

CIVIL GOVERNMENT
IN
OKLAHOMA



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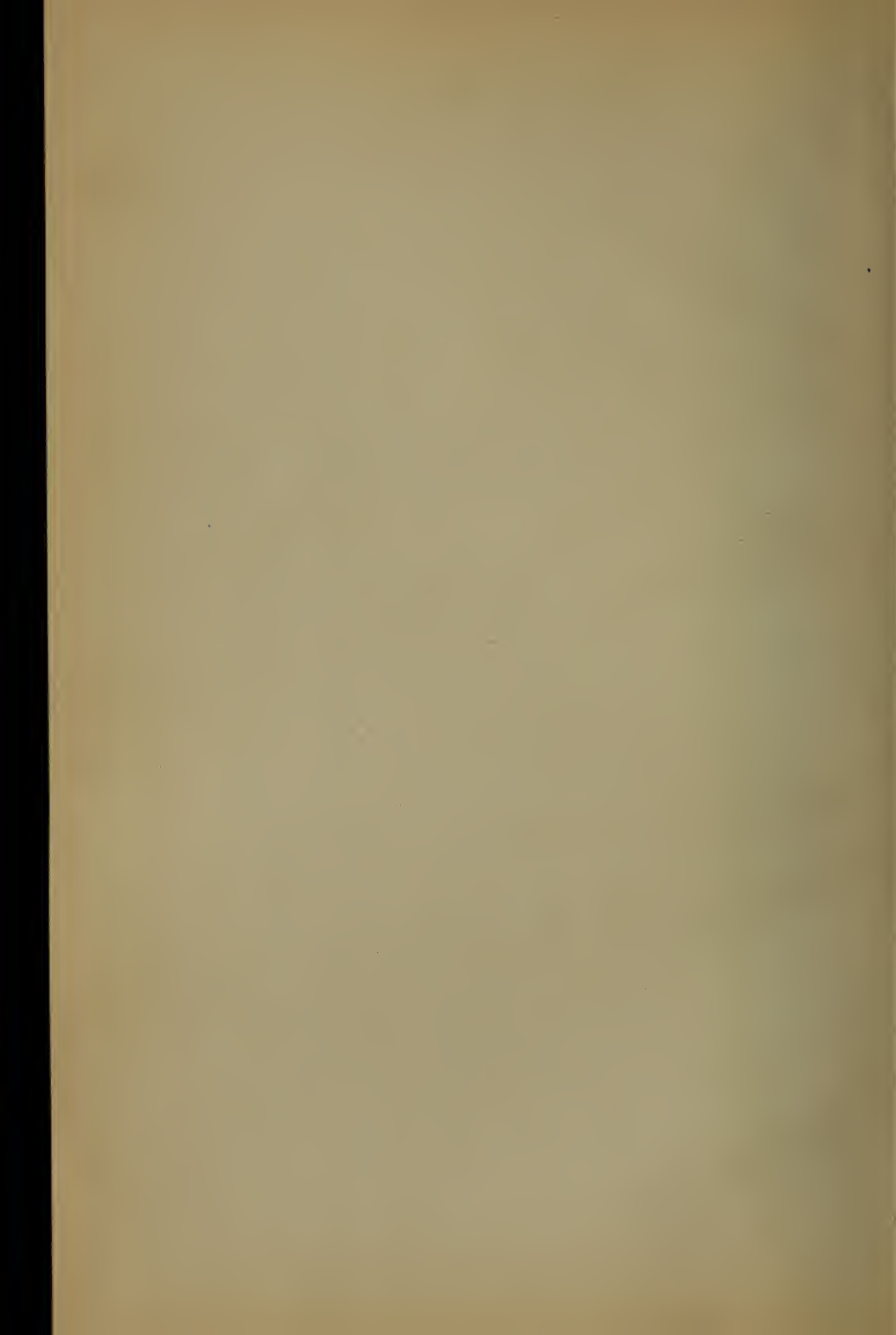


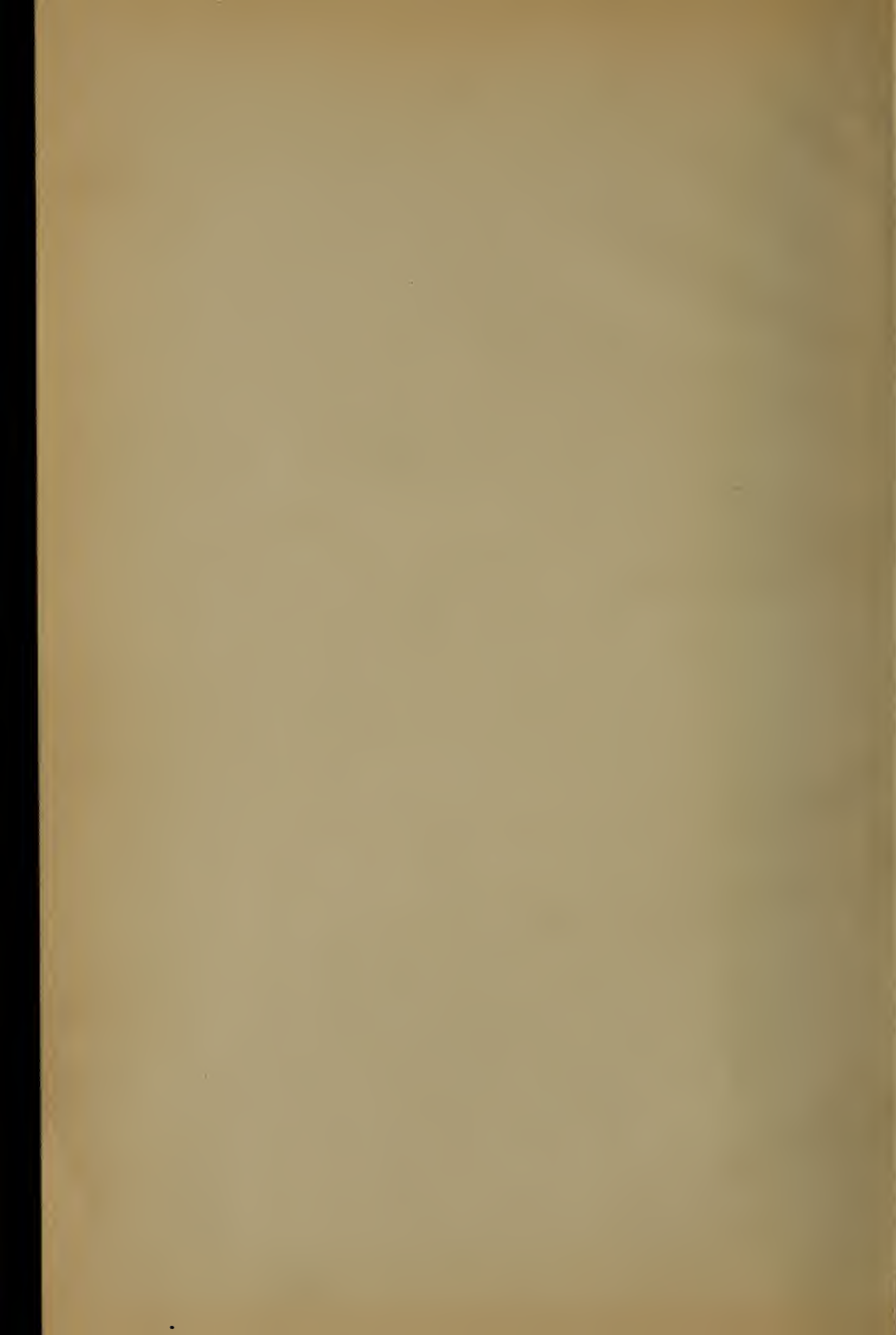
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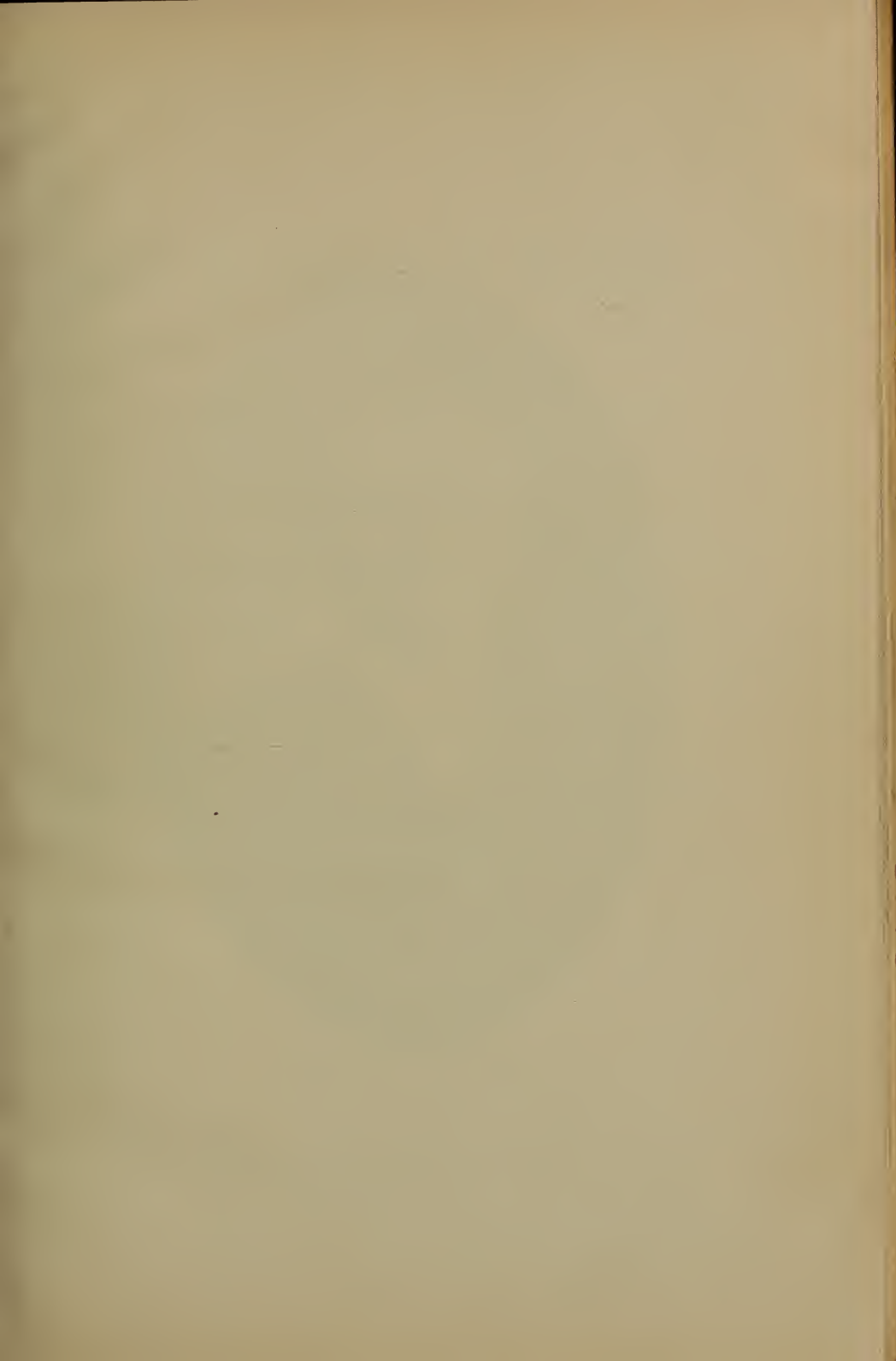
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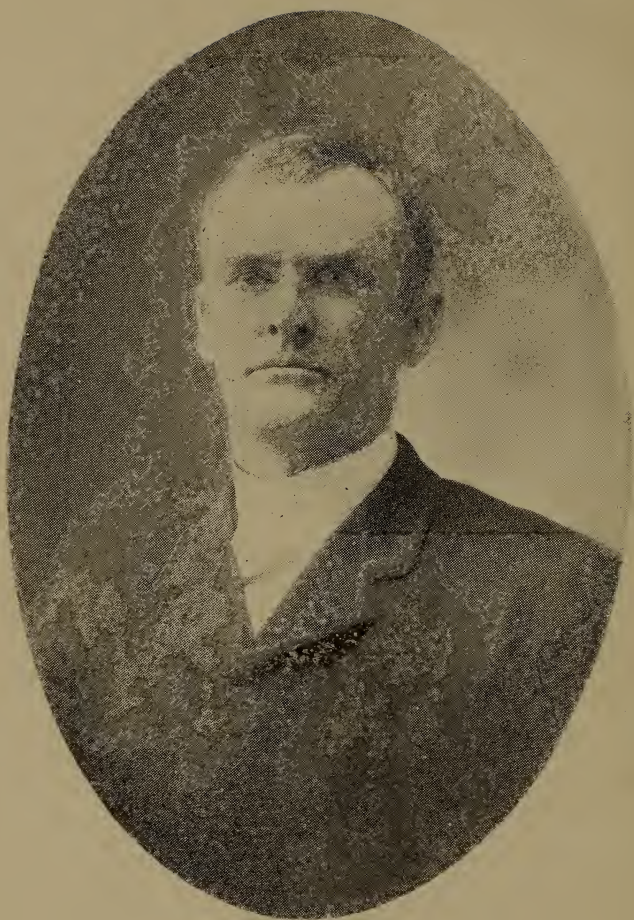
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CIVIL GOVERNMENT IN OKLAHOMA

A TEXT-BOOK FOR SCHOOLS

A HAND-BOOK ON LOCAL GOVERNMENT

FOR PRIVATE REFERENCE

—BY—

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¹¹

Teacher of Civics and Commercial Law in the University Preparatory School,
Tonkawa, Oklahoma.

....PUBLISHED BY THE AUTHOR....

TONKAWA ENTERPRISE PRINT,

TONKAWA, OKLA.

1904.

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F. V. BROCK.



THIS BOOK IS
DEDICATED TO MY MOTHER.
F. V. B.

PREFACE.

In attempting to teach civics in Oklahoma during the past two years I have felt the need of a text on local government. No doubt many other teachers have felt the same need. The manifest demand for such a work accounts for the publication of this book.

The rational course of instruction begins with the known and proceeds by easy steps to the unknown; dealing with experiences, incidents and scenes near at hand and gradually extending the mental horizon; becoming acquainted with home surroundings before straining after knowledge of distant countries. This is not only the natural order of instruction, but it brings knowledge and mental power of the most practical value.

Viewed from the standpoint of society, there is probably no subject of study of so great importance as that of the rights and duties of citizenship. The chief object of the vast public expenditures for the support of the schools is to educate the people for self-government. Good citizenship must be based upon an intelligent understanding of the principles of our political institutions, and a fair knowledge of local government. Such knowledge also tends to develop local patriotism, which is

very essential. As local government most deeply concerns our welfare, consumes by far the larger portion of our taxes, and administers the vast majority of the laws under which we live, so we are forced to the conclusion that the study of local government is of prime importance.

Comparatively slight changes will be made in our local government when statehood is attained. It is therefore unwise to defer the teaching of local government until that time, for a great injustice would thus be done to the students who will leave our schools during the next two years.

Much of the material in this volume was collected for use in my civics classes. The Statutes of Oklahoma to date have been carefully examined; Governor Ferguson's reports to the Secretary of the Interior have been especially helpful; the State Capital has furnished me much valuable information; various pamphlets, especially the ones prepared by Professor F. S. Elder and Mr. G. A. Smith on the school land question, have been of assistance; and private citizens and public officials have been consulted on many points.

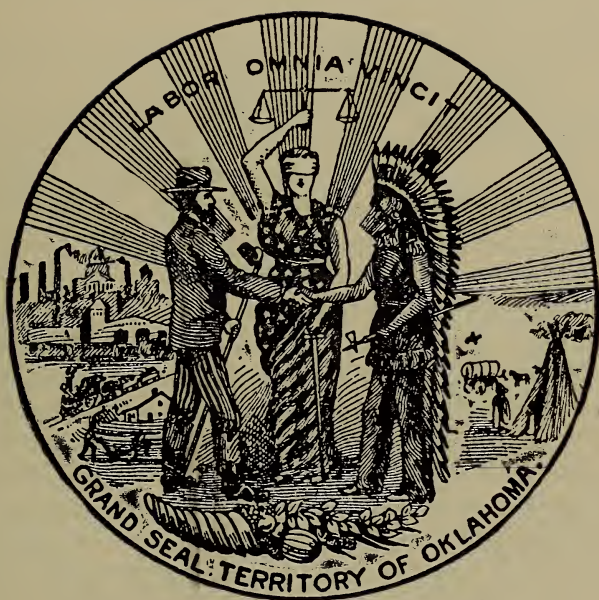
The Appendix is added, a part of it on account of its intrinsic value, and a part of it simply to illustrate the fact that we are making history daily and that our government is being constantly expanded and perfected; and to show the vital connection, which in truth exists but which is so often obscured, between school life and every day life. I realize that a part of the Appendix is of only temporary value, but it will serve its purpose if it impresses upon the mind of the student the importance of reading the papers thoughtfully, and looking for really valuable matter.

Quotation marks through the body of the book almost invariably indicate extracts from the Statutes of Oklahoma.

Although great care has been exercised in compiling this

work and in verifying every statement, yet errors will, of course, be found. Notice of errors or inaccuracies of any kind will be very thankfully received.

THE AUTHOR.



TERRITORIAL EMBLEM AND SEAL.

By act of the legislature the mistletoe was made the floral emblem of the Territory.

The "Grand Seal" of the Territory of Oklahoma was adopted by the legislature in -1893.

"The permanent official Grand Seal of the Territory of Oklahoma shall be as follows: Under the motto 'Labor Omnia Vincit' shall be Columbia, as the central figure, representing Justice and Statehood. On her right is the American pioneer farmer, on her left is the aboriginal American Indian. These two representatives of the white and red races are shaking hands beneath the scales of justice, symbolizing equal justice between the white and red races in Oklahoma, and on the part of the Federal Government. Beneath the trio group is the cornucopia of plenty and the olive branch of peace, and behind is the sun of progress and civilization. Behind the Indian is a scene depicting the barbarous, nomadic life of the aborigines—tepees, emigrant train, grazing herds, etc., representing Oklahoma in her primeval wildness. Behind the white man is a scene depicting the arts of civilization—farmer plowing, rural home, railroad train, compress, mills, elevator, manufactories, churches, schools, capitol and city. The two scenes are symbolic of the advance of the star of empire westward. The peaceful conquests of the Anglo-Saxon and the decadence of the red race. Under all shall be the words, 'Grand Seal Territory of Oklahoma.'"

"The said Grand Seal shall be engraved in a circle not to exceed three inches in diameter."

"The said Grand Seal shall be placed with the titles of all Territorial reports published, and, so far as practicable, on all Territorial stationery, bonds and official documents."

—Extracts from Oklahoma Statutes.

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CHAPTER I.

HISTORICAL INTRODUCTION.

The Louisiana Purchase.—The Mississippi Valley was under the lily standard of France from the time Marquette and Joliet floated down the Mississippi in birch bark canoes in 1673 until the close of the French and Indian War, 1763, when the valley was added to the already vast possessions of Spain in the New World. During these ninety years of French ownership the Americans made no settlement west of the Alleghanies, but soon after the Spanish occupation both Tennessee (1772) and Kentucky (1775) were settled, and then a few years later (1788) the Northwest Territory received its first permanent settlers. Before the day of railroads and when wagon roads were few and short and bad, early settlers of the "West," as this region was then called, depended upon the rivers in transporting their products to the world markets. Wheat, tobacco and timber were valueless unless shipped by these routes. Some of the products went directly southward, being floated down the

streams to the ports of Pensacola and Mobile, but the natural outlet for most of their products was by the longer routes of the Tennessee, the Cumberland, the Ohio, and the Mississippi rivers to New Orleans. At New Orleans it was necessary to transfer the cargo from the flat boats to ocean vessels, or to deposit it there until ships arrived. The Americans were required to pay a tax for this "right of deposit." But Spain not only controlled the lower Mississippi and the lower courses of all other rivers entering into the Gulf of Mexico, but she also held the ports of Pensacola, Mobile, and New Orleans, and subjected American commerce to annoying and expensive restrictions.

These western settlers appealed to the President and Congress for relief. The easterners either lacked proper interest in the welfare of the frontiersmen west of the Alleghanies, or else felt their inability to render them assistance. The situation became grave. Secret agents of Spain were poisoning the minds of the Tennesseans and Kentuckians. James Wilkinson, the major general commanding the "Legion of the West," the United States army in the Mississippi Valley, was secretly in the pay of the King of Spain. For a time these harassed settlers wavered in their loyalty to the Union.

To make matters worse, France bought the Spanish possessions in the Mississippi Valley, and not only withdrew the "right of deposit" at New Orleans, but absolutely closed the Mississippi river against American shipping. The situation became intolerable.

At this point it is interesting to note the motive that prompted the transfer of Louisiana in 1800.

According to Henry Adams, during the negotiations with Spain for Louisiana, Talleyrand, the French minister, is reported to have said that the Americans were ambitious, proud, greedy, and controlled by the mercantile spirit. He further

said, "There are no other means of putting an end to the ambitions of the Americans than that of shutting them up within the limits which Nature seems to have traced for them; but Spain is not in a condition to do this great work alone. She can not, therefore, hasten too quickly to engage the aid of a preponderating power, yielding to it some part of her immense domains in order to preserve the rest. (The Floridas and Louisiana were referred to). Let the Court of Madrid cede these districts to France, and from that moment the power of America is bounded by the limit which it may suit the interests and tranquility of France and Spain to assign her. The French republic, mistress of these two provinces, will be a wall of brass forever impenetrable to the combined efforts of England and America."

It was well known that it had been the dream of the French nation for two centuries to establish a great inland empire in the valley of the Mississippi.

Napoleon's scheme was to bring about the realization of that dream by building in America a great colonial empire, of which Louisiana was to be a principal part. In order to do this he must conquer St. Domingo and use it as a base of military operations in America, take possession of Louisiana, gain the Floridas, and control the Mississippi and all trade on the Gulf of Mexico. With these objects in view he had an army operating in St. Domingo under his brother-in-law, Leclerc, and he was negotiating with the King of Spain for the territory on the main land.

But St. Domingo proved to be not only the cradle of Spanish power in the New World, but also the grave of Napoleon's dream of trans-Atlantic dominion.

Two armies were destroyed in St. Domingo and his brother-in-law fell a victim to the yellow fever, Nov. 1st, 1802. Napoleon could not spare more men and money for the St. Domingo

campaign without weakening his power for carrying out his European schemes. France was weak on the sea, England was there supreme, and America was fast becoming the second maritime power.

Napoleon's ambitious plans led him to declare war on England. Jay's treaty between England and the United States aroused the anger of the First Consul, because it precluded the possibility of her joining France in the effort to humiliate England. Napoleon struck a blow at our commerce by closing the Mississippi. All the region west of the Alleghanies, and especially Tennessee and Kentucky, were thus cut off from market.

The French disasters in the West Indies, our success in gaining reprisal on French commerce, the pending war between France and England, the weakness of the former to cope with the latter on the seas, and the consequent danger of France losing all of her colonial possessions, made conditions most favorable for Jefferson to demand prompt settlement of existing difficulties with France. Our chief grievance was the closure of the Mississippi against the shipment of American products.

The proposal to purchase New Orleans and the small strip of country to the Gulf, was met by an offer to sell the whole province of Louisiana. France's necessity was our opportunity. \$15,000,000 was a cheap price for peace, to say nothing about the vast empire of undeveloped natural resources thus acquired. At that time this vast region west of the Mississippi was supposed to be practically worthless, and Jefferson said in his first inaugural that the territory east of the Mississippi would be sufficient for the American people to the 100th and even the 1000th generation. The agreement for the purchase of Louisiana was closed April 30, 1803. This was probably the greatest real estate bargain ever made. The land cost about three and one-half cents per acre. What is now Oklahoma was a part of

that purchase.

The Indians.—From the earliest times as the colonists gradually extended their settlements westward and encroached upon the hunting grounds of the Indians, there were occasional outbursts of warfare, and in many cases long continued periods of hostility. It was seen that the two races could not dwell side by side in harmony, for civilization and savagery can not thrive under the same conditions. President Monroe thought he saw a solution for the troublesome race problem of that day. He recommended to Congress in 1825 that all the Indian tribes be removed to the country west of the Mississippi, far beyond the region then occupied by the whites. Some of the southern tribes, especially the Creeks and Cherokees of Georgia, had given up their wandering habits and had begun the cultivation of the soil. They objected to the move, but finally with much coaxing, and promises of a large sum of money, and assurance that they would never be disturbed in the possession of their new hunting ground,—which was described in glowing terms as a land of beauty, possessing a delightful climate, and abounding in all kinds of game,—they were induced to migrate to Indian Territory during the administrations of John Quincy Adams and Andrew Jackson. The idea was to build up here a great Indian state. From various parts of the United States many tribes have been persuaded or forced to change their abode to this country. It is estimated there are 85,000 Indians in Indian Territory and the census shows 11,938 Indians in Oklahoma. Yet many small tribes still occupy reservations here and there all over the United States. The Indians were guaranteed perpetual and undisturbed possession of this new south country, but it must be confessed that the whites have not kept good faith with the red men. The excellent grazing lands and abundance of wild game in the central part of the territory of-

ferred temptations that the cattlemen and hunters could not withstand.

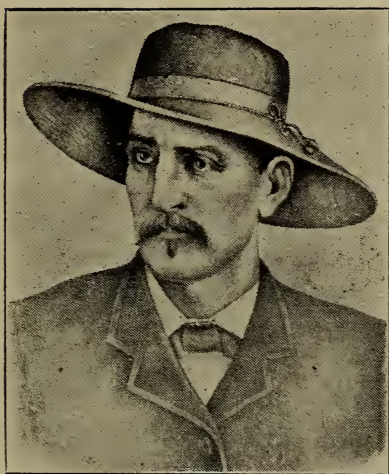
Indian Territory had long been surrounded by organized states, thickly populated with whites. The restless spirits from these adjoining states habitually crossed the borders into the Territory, grazing their stock, cutting and hauling out hay, fuel, and timber, and hunting and fishing. Missouri on the northeast corner came into the Union in 1821, that is, sixty-eight years before the first authorized settlement in Oklahoma; Arkansas, making the rest of the eastern boundary, became a state in 1836; Texas, on the south and west, existed as an independent nation from 1835 to 1845, when it joined the sisterhood of states; and Kansas completed the girdle of states in 1861. The whites for many years had not only looked across the borders with covetous eyes upon the fair possessions of the Red Men, but had long been in the habit of invading their hunting grounds in pursuit of game. It was no uncommon thing for hunting parties to spend weeks and even months in the Territory. Some went on these expeditions for pleasure, but many took up the occupation of hunting in this paradise as a delightful and profitable business, hauling the game across the borders into the states by the wagon load and selling it, in spite of Uncle Sam's "blue coats." Many adventure-loving spirits found the wild, free life so fascinating that they took up their permanent abode along the streams, particularly the Arkansas, living on the products of rod and gun. Arkansas City was a great rendezvous for these adventuresome spirits.

A large tract of excellent pasture land in the center of the Territory was not occupied by the Indians. It came about in this way. The Cherokees before leaving their old home in Georgia had become civilized to a considerable extent and had acquired many Negro slaves. When they moved to the Indian

Territory they brought their slaves, as well as their other chattels, with them. When slavery was abolished in the United States by a presidential proclamation, these slaves were, of course, given their freedom. To provide a home for these freedmen of the Cherokee nation the United States purchased about 1,400,000 acres of land, including principally what are now the counties of Logan, Oklahoma, Canadian and Kingfisher. But the free Negroes did not take possession of this land. The cattlemen saw their opportunity and seized it. Early in the seventies this tract of land began to be called Oklahoma, which in the Indian language means "Beautiful Land."

Texas claimed and occupied the whole of Greer county, and it took a tedious suit in the Supreme Court of the United States to dispossess her. Several railroads crossed the Territory, which made it easier for the white men to get a foothold. The Santa Fe carried the homeseekers into old Oklahoma at the first opening. This line had been completed as far as Purcell in 1887, two years before the first "great rush."

Captain Payne and His Boomers.—The "cattle barons" were growing wealthy by grazing their immense herds on the luxuriant pasturage in the Cherokee Strip under the shadow of legal right, but the cattle men in the central part of the Territory were trespassers. The Comanche Pool Co. of Caldwell, Kansas, controlled a large part of the Cherokee Strip. Their influence with congress enabled them to procure leases at the rate of about one-half cent per acre, and they sub-leased the pasture for one and one-half cents per acre. In many cases, however, the cattle men paid absolutely nothing for the pasture. The occupation of this land under these circumstances was a class privilege that savored of rank injustice to those who needed and wanted a chance to cultivate the soil for their daily bread. A few were thus living in ease and luxury, while many



CAPT. DAVID L. PAYNE.

thousands were suffering want and were deprived of homes. Congress was appealed to in the interest of the homeseekers. The influence of the cattlemen could not be overcome. At this juncture Captain Payne introduced a new style of tactics. Let us notice what manner of man he was and how well qualified for his novel program.

Captain David L. Payne, a distant kinsman of Davy Crockett, for whom he was named, a soldier of the Civil War, a legislator for several terms in Kansas, a man of considerable prowess as a hunter and numbering among his friends such famous frontiersmen as Kit Carson, Wild Bill, Buffalo Bill, California Joe, and General Custer, and himself known as "the Cimarron Scout," a man of large mould, generous impulses, fond of adventure, and a born organizer and leader,—Captain Payne is very appropriately called the "Father of Oklahoma."

Captain Payne was pretty well versed in law, and after careful investigation he came to the conclusion that the Indians had no title to the land now embraced in Logan, Oklahoma, Kingfisher and Canadian counties,—something like 1,400,000 acres. So he formed a colony of 500 men with the intention of entering the Territory at Arkansas City late in 1880. But government officials were apprised of the plans of the "boomers," as Captain Payne and his followers were called, and sent a body of soldiers to prevent incursion into the Territory. The soldiers followed the boomers westward to Hunnewell, Kan., then to Caldwell, Kan., as they attempted by a flank movement to make a dash southward. There seemed to be no hostile feeling between the two bodies of men, the soldiers and boomers, but the soldiers were acting under orders and must perform their duty of preventing the raid. Finally the leader was arrested and taken before the United States court at Fort Smith, Ark., but after his hearing March 7th, 1881, he was released on

a thousand dollar bond.

Numerous expeditions into the coveted land of central Oklahoma were led by this doughty captain, but the soldiers never allowed the boomers to rest long in the peaceful possession of the "promised land." Payne was repeatedly taken before the courts, but no crime could be proved against him, and he was never deprived of his liberty long at a time. Payne dropped dead in Wellington, Kan., Nov. 28, 1884, just as he was about to start for the sixth time with a colony into the Territory. The "Father of Oklahoma" was thus permitted to view "the promised land," but not to go in and possess it.

Captain W. L. Couch, one of Payne's officers, became the leader of the Oklahoma boomers upon the death of Payne. Captain Couch organized several expeditions. He conducted one party of 450 men to the border of the cattle country, the edge of the famous "B. and M. ranch," about twelve miles northeast of the present site of Guthrie. It is reported that the firm of Butler and Martin had 30,000 cattle at times on range in this country. The boomers remained here some sixty days, building cabins, hunting and putting out crops.

But the soldiers were ever after Couch, as they had been after Payne. The supplies of the boomers were seized, their cabins and wagons burned, Couch and his officers were arrested and bound over to court, and the colony, becoming discouraged, returned to Kansas. The feeling between the soldiers and boomers was quite cordial, generally, but the relation between the adventurers and cowboys could not be so described. The boomers lost all hope of dispossessing the "cattle kings" by legal methods and felt justified in cutting fences and burning off the pasture and supplies of winter forage, so that the cattlemen would find it to their advantage to drive their herds out to other ranges. The cowboys spent many a tedious night lying

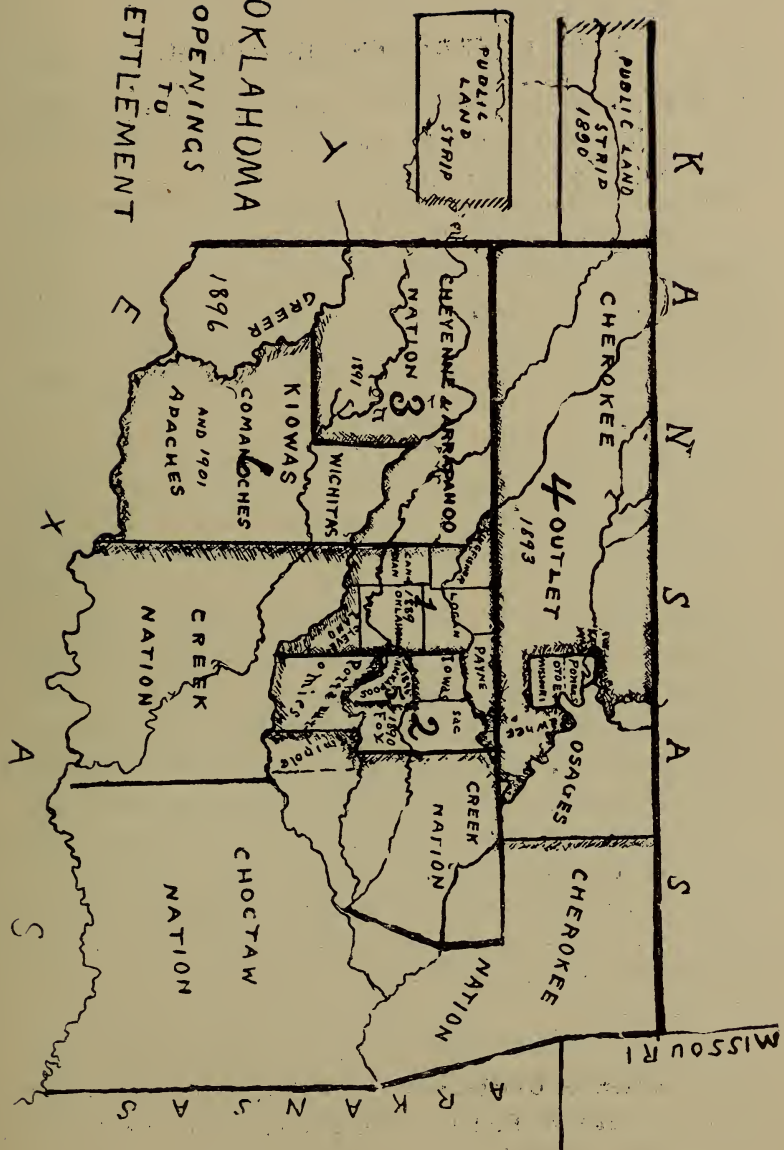
on their rifles guarding their possessions, and they occasionally exchanged shots with the boomers, yet there was very little loss of life from these encounters.

But the cause was gaining. Newspapers agitated the matter, and men of influence besieged the President and Congress with petitions, letters, and arguments until Congress made provision for the country to be opened to settlement by the whites.

The First Opening.—By an act of Congress passed March 3rd, 1889, the sum of \$1,912,942.02 was paid to the Creek and Seminole nations for whatever claim they might have to the tract of about 3,000,000 acres of land, embracing practically the counties of Oklahoma, Logan, Cleveland, Canadian, Kingfisher, and Payne. By proclamation of President Harrison this land was to be subject to settlement April 22nd, 1889. This was the first land in Indian Territory thrown open to homestead. The long agitation for the white occupation led by Captains Payne and Couch, followed by the President's proclamation, the fame of this "beautiful land" for agricultural, grazing and business opportunities, served to draw from every part of the West 100,000 home-seekers, five times as many as could possibly obtain land. This immense army was lined up along the borders awaiting the signal to cross. McMaster says, "Precisely at noon on April 22nd, a bugle sounded, a wild yell answered, a cloud of dust filled the air, and an army of men on foot, on horseback, in wagons, rushed into the promised land. That morning Guthrie was a piece of prairie land. That night it was a city of 10,000 souls. Before the end of the year 60,000 people were in Oklahoma, building towns and cities of no mean character."

Congress did not provide a government for over a year, that is, until June, 1890; but there was no lawlessness. The

OKLAHOMA
OPENINGS
TO
SETTLEMENT



boomers organized their own government and administered public affairs with as perfect justice, and there was as complete security of life and property as in most of the old communities living under all the forms of the law.

Subsequent Openings.—Up to the present there have been six openings in Oklahoma, each, in a large measure, repeating the scenes and incidents of the first opening. When the territorial government was organized in June, 1890, by the same act of Congress, the "Public Land Strip," also known as "No Man's Land," embracing 3,681,000 acres, became a part of Oklahoma under the name of Beaver county.

Subsequent openings were as follows:

Second Opening.—September, 1890, Sauk (Sac), Fox, Iowa and Pottawatomie Reservations, 1,282,434 acres.

Third Opening.—Spring, 1891, Cheyenne and Arapaho Reservations, 4,297,771 acres.

Fourth Opening.—Sept. 16, 1893, The Cherokee Strip, including the counties of Kay, Grant, Woods, Woodward, Garfield, Noble and Pawnee, 6,014,239 acres.

Fifth Opening.—1895, Kickapoo Reservation, 206,662 acres.

1896, Greer county, by a decision of the Supreme Court of the United States, was declared a part of Oklahoma Territory.

Sixth Opening.—Aug. 6, 1901, Kiowa, Comanche, and Apache, and Wichita Reservations, about 4,000,000 acres.

The present settled area of Oklahoma is about 24,000,000 acres, and there are yet included in Indian Reservations about 1,725,646 acres.

Governors of Oklahoma.—1. The first governor of Oklahoma was George W. Steele, of Indiana, appointed by President Harrison and taking his oath of office May 15, 1889. Governor Steele resigned his office Feb. 1, 1892, and returned to Indiana.

2. Our second governor was A. J. Seay, one of the judges of the Oklahoma Supreme Court. He entered upon the duties of his office February 1, 1902, and continued in office until President Cleveland removed him May 10, 1893, to make room for a democrat.

3. The successor of Judge Seay and the third governor of Oklahoma was William C. Renfro, who discharged the functions of this office from May 10, 1893, until May 26, 1897.

4. A change in the politics of the national administration brought about a change in the governorship of Oklahoma. President McKinley appointed C. M. Barnes governor of Oklahoma to take office May 27, 1897. His term expired May 13, 1901.

5. William C. Jenkins, the fifth governor of Oklahoma, had served as Territorial Secretary under Governor Barnes. His term extended from May 13, 1901, to December 1, 1901.

6. The present governor, Thompson B. Ferguson, received his appointment December 9, 1901.

The Development of Oklahoma.—No romance of state building can equal that of Oklahoma. The full story of her discovery, Indian occupation, hunting expeditions within her borders, the contests between boomers and cattlemen, the settlement, and then the rapid development—after so long a delay, the opening of the full-blown flower of civilization, as a century plant in a single day,—reads like a fairy tale, yet it is the veriest reality. It is not the purpose of this chapter to give a history of Oklahoma, but only the merest outline of that wonderful story. Figures have been inadequate, our English vocabulary of adjectives has been exhausted many times, famous newspaper correspondents have exhibited their skill, orators have climbed the heights of Olympus, poets have soared on the wings of Pegasus, in their vain efforts to depict the beauty

of her rolling prairies, verdant valleys, sylvan shades, the charms of her climate, the richness of her soil, the wealth of her mineral deposits, the abundance and variety of her products of orchard and garden and field, and the intelligence, progress, and hospitality of her people, but still the full truth about this "land of the fair god" is not known to the outside world today.

We must content ourselves in this place with giving a few figures taken chiefly from Governor Ferguson's report of 1903.

Oklahoma has a population of 650,000, representing every state and territory in the Union and many foreign countries.

There are 191,459 children in school (1904): the seven institutions of higher learning are attended by 3,000 students; the total income from school land for this year amounts to \$366,643.29.

Twenty-eight dailies, 243 weeklies, 17 monthlies, 4 semi-monthlies, and 2 quarterly publications in Oklahoma supplied our citizens with current reading matter during the year of 1903.

One hundred thousand people participate in public worship here.

There were 200 licensed dentists, over 400 registered pharmacists, and 1,200 practicing physicians.

There were 232 state banks and 79 national banks in 1903, aggregating deposits of over \$17,000,000.

The actual value of taxable property is over \$500,000,000. It must be remembered that the homestead land is not taxable until it is proved up.

Though most of Oklahoma is well supplied with railroad facilities, new lines are being extended rapidly, Oklahoma surpassing all states in the Union in railroad building for the past few years, over 240 miles of track having been laid in the year ending June 30, 1903. Oklahoma now (1904) has over 3,200

miles of railroad.

Governor Ferguson said in his report of 1903, "There are 60 flouring mills whose combined capacity is over 10,000 barrels per day; 280 grain elevators having a combined capacity of 3,525,000 bushels. This year's wheat crop was 36,000,000 bushels, and the corn is estimated about the same as last year—65,000,000 bushels.

"Oklahoma's commerce amounted to over 27,000 car loads of various commodities shipped into, and over 35,600 car loads shipped out of the Territory.

"There has been a phenomenal growth of all cities and towns, as indicated by statistics given.

"There are undeveloped resources in the immense gypsum deposits, which are estimated to be over 125,000,000,000 tons; also in mountains of red granite and limestone beds.

"There are over 3,000,000 acres of vacant land subject to homestead."

Statehood.—Governor Ferguson in his report for 1903 thus briefly but strongly sets forth our claims to statehood: "Oklahoma is entitled to statehood—entitled to it now. There are in the Territory 650,000 intelligent American citizens who are deprived of the right of self-government. A conservative estimate of the wealth of Oklahoma places it at \$400,000,000. There are seven educational institutions of higher learning under the control of the Territory, besides numerous high schools and colleges under the control of religious denominations. Our people are in every respect entitled to that which is dear to the heart of every progressive American—the right to govern themselves.

"Against this proposition there can be no logical objection. Oklahoma has the intellect, the wealth, the moral force, the energy, the natural resources, the development already achieved.

and the promise of a splendid future sufficient to justly entitle her to careful consideration and Congressional action. No logical reason can be urged against her early admission into the sisterhood of states."

CHAPTER II.

CONTRASTS BETWEEN STATE AND TERRITORIAL GOVERNMENT.

GENERAL STATEMENT.—The fundamental law of the whole United States is the Federal Constitution. Based upon this fundamental law, each state has a constitution of its own as the foundation of its state government. The territories have no constitutions. But the Organic Act is a sort of constitution for Oklahoma. It gives an outline of the Territorial government. The same as the states, Oklahoma has the three departments of government, executive, legislative, and judicial in each of the corresponding civil divisions, Territory, county, township and city. Self-government in these local areas,—county, township, and city,—is as complete as in any state in the Union .

CONTRASTS BETWEEN STATE AND TERRITORIAL GOVERNMENTS.—Contrasts in the Executive Department.—

In a state the people elect all their important officers, while a part of our Territorial officers are appointed for four years by the President of the United States, by and with the consent of the Senate, and are removable by the President. The officers thus appointed are the Governor, Secretary, United States Attorney, United States Marshal, and the Judges of the Supreme and District Courts. The Governor by and with the consent of the Council—the upper house of the Territorial legislature—

appoints the Superintendent of Public Instruction, who is ex-officio Auditor, the Treasurer, the Attorney-General, and many inferior officers.

Contrasts in the Legislative Departments.—Although the Territorial Legislature is elected the same as in the states, yet there is a strong contrast in the number of members. The upper house of the Territorial Legislature, the Council, has but thirteen members, and the House of Representatives but twenty-six members; while the members in a state legislature are generally about four times as numerous. The larger number of legislators insures better laws and less temptation to bribery. Territorial legislative acts are subject to revision or repeal by congress, which is not the case with state laws.

Contrasts in the Judicial Departments.—The members of the higher state courts are elected, while in the Territory all members of the judicial department above the probate court are appointed by the President for a term of four years. The Supreme and District Courts in the Territory have jurisdiction in cases that in the states are divided between the higher state courts and the lower Federal courts.

Contrasts in Representation in Congress.—Each state has two United States senators and a number of representatives proportionate to its population. Our Territory is allowed but one representative, called a delegate, who can sit in the lower house and speak on all questions pertaining to the Territory, but can not vote on any question. Our delegate is elected by the qualified voters of the Territory for a term of two years. Oklahoma has thus but one representative in Congress where she would have about ten were she a state at the present time.

Contrasts in Suffrage.—Though the citizens of the Territory have all the civil rights, privileges and immunities enjoyed by the citizens of the various states and have quite complete

local suffrage, electing the Territorial Legislature and all local officers, yet they are denied national suffrage, not being allowed to vote for President and Vice-President and Congressmen. They can hardly be said to have any voice in national legislation, since the delegate is so restricted in his influence in Congress. As we are subject to the revenue laws of the United States, we may claim that we have "taxation without representation."

Compensations.—But our lot is not so oppressive as it might seem. A large part of the expense of the Territorial government is borne by the United States government, and territorial buildings, public lands to support schools, etc., are illustrations of favors received from the national government. Taxes are consequently somewhat less than what they would be with statehood.

Our people have been so busy in developing the resources of the Territory, and have enjoyed such great prosperity that they have felt only to a slight degree the inconveniences and disadvantages of a territorial government.

The local government of the Territory will now be discussed somewhat in detail, beginning with the smallest and simplest governmental unit, the school district, and taking up in succession thereafter the larger and more complex forms of township, city, county and territorial governments.



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CHAPTER III.

THE SCHOOL DISTRICT.

REASONS FOR EDUCATION.—Education promotes the welfare and happiness of the people by increasing their prospects for success in business and conducting to many avenues of wholesome enjoyment; it increases the peace and security of society by lessening crime, for it is a true old saying, that “ignorance is the mother of crime:” it reduces the cost of government, for education is cheaper than the capture, prosecution and punishment of criminals and the maintenance of penal and charitable institutions,—“an ounce of prevention is worth a pound of cure;” it prepares the people for self-government, as it is the chief source of the intelligence necessary to an understanding of their civil and political rights and duties. A free people must know what is best for themselves and how to secure the desired results in order to enjoy the fullest benefits of a popular government. And, further, it is the duty of every patriotic citizen of our country to make a study of our government in order that they may select the best qualified officers and encourage the enactment of the wisest laws.

SUPPORT OF SCHOOLS.—These truths have been realized in this country from the earliest times, and increasingly liberal provisions have been made for the support of the public schools. A large portion of the taxes paid every year are to defray the expenses of education. All property owners must assist in maintaining the schools, for, although some tax payers have no children in school, yet every one derives a benefit from

an educated public which is more than proportionate to his school tax. This fact is so universally recognized that every one takes pride in our educational system and pays his school tax cheerfully.

The income for the maintenance of public schools comes chiefly from four sources: A local tax, a county tax, a territorial tax, and the rental from the school land. These will be considered separately in connection with the school district, the county, and the Territory.

DISTRICTS: HOW ORGANIZED.—The county superintendent divides the county into convenient school districts, having regard to rivers and other obstructions to travel. Notice of formation of such districts must be posted in five places in the district, and, if there be no objections, the superintendent appoints “a time and place for a special district meeting for the election of officers and the transaction of such business as is prescribed by law for regular school district meetings.” No district can be formed containing less than eight persons of school age.

The county superintendent may change the boundaries of a district upon petition of one-third of the voters of that district.

A district is deemed organized when the school officers have been properly elected and qualified. A school district is a body politic and corporate, that is, it is an organization of citizens with the power to transact such business as is necessary to provide and maintain an efficient school.

QUALIFICATIONS FOR VOTING AT SCHOOL MEETINGS.—All qualified electors and all females over twenty-one years of age, who are citizens of the United States or have declared their intention to become such, and who are residents of the district, may vote in a bond election or for school officers.

THE ANNUAL SCHOOL MEETING.—This meeting is held yearly on the second Tuesday in July. The director, if present, acts as chairman of the meeting; otherwise the chairman is elected by the voters present. Then comes the vote for the school officers, one being elected each year for a term of three years. Yearly they levy for current expenses a district tax not to exceed two per cent of the property valuation. But in addition thereto, when necessary, a special tax of two per cent for building a school house may be voted. The school house must be located within one-half mile of the center of the district. They may determine the amount of school and what time of year it shall be taught, but the amount must be between three months and nine months. At the annual meeting it is sometimes decided what wages shall be paid the teacher, and whether a male or female teacher shall be employed.

Special Meetings for voting bonds or for other proper purposes may be called by a majority of the board, or by a majority of the voters of the district.

A school meeting is an example of a pure democratic form of government, that is, a government where the people rule themselves directly. The rest of our government is a representative democracy, that is, a government by elected representatives.

DISTRICT OFFICERS.—The officers of a school district are a director, a clerk, and a treasurer, who hold office for three years, one being elected each year. If any one elected as a member of this board fails to qualify, or to perform any of his duties, the law requires the county superintendent to "appoint a suitable person in his stead."

Duties of Director.—The duties of the Director are: To preside at all district meetings; to sign all orders drawn by the district clerk on the treasurer; to represent the district in all

suits at law.

Duties of Clerk.—The chief duties of the Clerk are: To keep all books, etc., belonging to the district; to record proceedings of all district and board meetings; to draw all orders on the treasurer. He must also transmit, on or before May 25th, yearly to the county clerk, a list of all persons in his district liable to pay taxes. And he must report to the county superintendent promptly all school officers elected, the commencement of each term of school, and the amount of school tax levied at the annual meeting.

Duties of Treasurer.—He must give bond in double the amount of school money he is likely to handle each year. It is his duty to keep a careful record of all moneys received and paid out by him, and make a full report to the district at the annual meeting. He pays out money only upon orders properly drawn. In the "warrant register" he records all warrants not paid for want of funds. These warrants draw six per cent interest. Notice is given when funds are available to pay these warrants, and interest stops thirty days thereafter if these warrants are not presented for payment.

DISTRICT BOARD.—The district board consists of the three officers above named, director, clerk and treasurer. The board as a whole performs many important duties in addition to those of the separate members mentioned above. For instance, when authorized by a district meeting they may provide a school house and grounds; they may permit the school house to be used for any public gathering, religious, political or educational; hire the teacher, and dismiss same for incompetency, cruelty, negligence, or immorality; procure fuel and supplies, and have charge of all school property. One or more members of the board are required by law to visit the school at least twice a term, looking into all matters pertaining to the school

and offering suggestions for improvements.

The following branches must be taught in English: Orthography, reading, writing, English grammar, geography and arithmetic. The board may prescribe other branches.

Annual Report of Board.—The board prepares a report to be presented to the voters of the district at their regular annual meeting, and afterwards sends the same to the county superintendent. The report gives information upon the following subjects:

1. The school population of the district.
2. The attendance and studies taught.
3. The amount of school taught, name of teacher, and wages.
4. The amount of school money received and how spent.
5. The amount of school money raised in the district.
6. Kinds of books used, etc.

UNION GRADED SCHOOLS.

Two or more districts may unite for the purpose of establishing a graded school. Such union district is organized and governed practically the same as an ordinary district. A much more efficient school may thus be secured without greater expense than an ordinary district school. Union graded schools have been organized in Washita, Logan, and Greer counties.

The same law regulates the schools of rural districts and those of cities, towns, and villages of the second class. Cities of the first class manage their schools under a special law, which will be described in the chapter on Cities of the First Class.

SCHOOL LIBRARY.

The law requires that each school district build up a school library by the purchase of books and periodicals, expending for this purpose from \$5 to \$100 a year, according to the number

of teachers employed. The books are selected from a list furnished by the board of county examiners.

GRADUATION FROM COMMON SCHOOLS.

“The course of study for common schools was introduced in 1896. In the eight years 2,973 students have graduated. In 1903 there were 1,162 common school graduates.”—Governor’s Report, 1903.

CHAPTER IV.

THE TOWNSHIP.

ORGANIZATION.—For the convenient and successful management of local affairs each county has been subdivided by the county commissioners into small districts, six miles square in the thickly settled portions, and organized with township governments. The main purposes of a township organization are to construct roads and small bridges, to enforce law and preserve order, to prosecute persons guilty of petty crimes or disturbing the peace, and to furnish convenient districts for conducting elections, assessing and equalizing taxes.

No new township can be organized with an area of less than thirty-six square miles nor with less than three hundred inhabitants. Plats showing names and boundaries of the townships were made by the county clerk, one plat being kept in his office and one by the proper township officer.

The first set of officers were appointed by the commissioners, but since that they have been elected by the voters in each township.

A BODY POLITIC AND CORPORATE.—Each organized township is a body politic and corporate, that is, it has a local government of its own, and, through its trustees as its agents, it can transact business necessary for the good of the township, sue and be sued.

OFFICERS.—The officers of the township are: One Trustee,

who, by virtue of his office, is also Township Assessor, and Township Supervisor of Roads; one Clerk; one Treasurer; two Justices of the Peace; two Constables; one Road Overseer in each road district of the township.

ELECTION.—All officers except the road overseers are elected biennially at the regular general election, that is, on the first Tuesday after the first Monday of November in even numbered years. The road overseers are appointed by the township board. These officers enter upon their duties the first Monday of the following January.

The county commissioners canvass the votes for the township officers, and, in case of a tie, they elect by lot. The county clerk issues certificates of election to the successful candidates.

TERM.—All township officers are elected for a term of two years.

QUALIFICATIONS.—No one is eligible to a township office unless he is a legal voter and resident of such township. (See chapter on Elections). An official changing his residence to another township vacates his office. County attorneys and clerks of the district court are not eligible to township offices.

OATH AND BOND.—All officers must take oath and give bond for the faithful discharge of their official duties and the proper accounting for all moneys officially received.

Bonds of township officers are as follows: Clerk's bond, \$200; constable's bond, not over \$1,000; justice's bond, no amount named; assessor's bond, \$500; bonds of treasurer and road overseer, amount of each not less than double the amount handled at any one time.

If an official violates his oath of office and makes an illegal use of the public money in his possession, the persons who signed the bonds as sureties should be sued and compelled to pay into the public treasury the amount named in the face of the

bond. All bonds are filed with the county clerk. The road overseer's bond is approved by the township trustee; all other bonds of township officers are approved by the board of county commissioners.

VACANCIES: HOW FILLED.—A vacancy in the office of road overseer is filled by appointment by the township trustee. The county commissioners fill all other vacancies in township offices by appointment of eligible persons, and such appointees remain in office until the next regularly elected officers qualify.

THE JUSTICE OF THE PEACE.

No county attorney or clerk of the district court can be justice of the peace. No justice can hold office in or over a saloon, or with an attorney.

JURISDICTION.—The jurisdiction of a justice of the peace in civil actions is co-extensive with the county wherein he is elected. He may issue orders of attachment, and executions, and administer any oath; take acknowledgments of deeds, mortgages, and other instruments in writing, and solemnize marriages; try any civil case involving property of not more than \$100 in value. But he has no jurisdiction over the cases where boundary lines or titles to land are in question. In criminal cases his jurisdiction is limited to petty crimes, as assault and battery, and cases for which the punishment is not more than thirty days in jail, or a fine not more than \$100, or both such fine and imprisonment. He can try cases for malicious injury to property, and other petty misdemeanors which do not require indictment.

JURY TRIALS.—Trial before a justice is without jury, unless before the trial begins the plaintiff or defendant demands a jury trial. A justice's jury is composed of six persons. For manner of selecting this jury see chapter on Probate Judge.

ADDITIONAL JUSTICES AND CONSTABLES.—Upon a

petition of a majority of the voters in a township, the county commissioners provide for the election of more than the regular number of justices and constables.

CONSTABLE.

POWERS AND DUTIES.—The constable may be ministerial officer in any justice court within the county. He makes arrests, subpoenas witnesses, enforces the orders of the justice, preserves peace, and, in general, has the same powers and sustains the same relations to the justice court that the sheriff does to the county court. It is his duty to bring to the justice all violators of the criminal laws and disturbers of the peace. He should be present in person or by deputy at all such trials.

He may appoint one or more assistants, but will be responsible for their official acts.

If the constable needs assistance in the discharge of his duties, he may deputize as many citizens as necessary, who must follow his orders strictly or suffer severe penalties.

TREASURER.

Duties.—He shall receive and take charge of all moneys belonging to the township, and pay out same only on order of the township board. He must keep a separate account for each fund. His books are audited by the board at its meeting on the last Saturday of December.

He shall keep a "Warrant Register" for the registration of all warrants not paid for lack of funds. Unpaid warrants draw six per cent interest. When funds become available these warrants must be paid in the order of their registration, and from the funds upon which they are properly drawn.

REPORT.—To his township board at its annual meeting he must make a full official report of all moneys received and paid out by him and a similar report to the county commission-

ers at their January meeting.

OPEN RECORDS.—His records must be open for inspection at all times by the county commissioners and the township board and all persons holding claims against the township.

CLERK.

DUTIES.—Under the direction of the board of directors he procures all books and stationery necessary for the use of the township. He is secretary of the board, recording transactions of its meetings; he has custody of all books, records, and papers belonging to the township. He must report annually to the county clerk the financial condition of his township.

RECORDS OPEN TO INSPECTION.—“The records and other books of the township clerk and treasurer shall always be open for public inspection.”

TRUSTEE: ASSESSOR: ROAD SUPERVISOR.

The Trustee acts as inspector of township elections, and appoints two electors to act as judges at such election.

The trustee when acting as Assessor has the following duties: Upon notice from the county clerk the assessors meet at the county seat on the second Monday in January of each year to agree upon a cash basis for valuation of property.

The assessment shall be made on, or as soon as practicable “after, the first Monday of March,” yearly, “at the actual cash value of the property,” and in the name of the person owning the property on the first of March. This is the law, but it has become the custom to assess property at from about one-sixth to one-fourth of its actual cash value.

Trustee as Township Supervisor of Roads.—The township trustee is by virtue of his office Township Supervisor of Roads. “He is empowered to employ labor, buy material and superintend the building, grading and construction of roads and bridges within his township as directed by his township

board." The law does not allow him pay for more than sixty days work of this kind.

DISTRICT ROAD OVERSEER.

The township board divide the township into convenient road districts containing not less than nine square miles each, and appoint a Road Overseer in every district.

DUTIES.—He must open up and put in passable condition new roads, erect guide boards at forks of roads, and water marks at fords, notify each one liable for road tax when and where he is to work on the roads. Every able bodied person between the ages of twenty-one and fifty years is liable for a road tax of four dollars. Instead of paying money a person may give four days road work of eight hours each, or two days with his team. Road tax unpaid by January first becomes delinquent and is collected the same as other delinquent taxes. (See chapter on Taxation).

REPORT.—The road overseer must keep a careful record of all money received and paid out by him for work, material, plows, and scrapers and other implements; and a sworn report must be made of same to the township board the last Saturday of December. In March of each year all work done in his district must be reported in full by him to the Township Supervisor of Roads.

TOWNSHIP BOARD OF DIRECTORS.

This is the legislative body of the township. It consists of the three following officers: Township trustee, who by virtue of his office is also assessor and road supervisor of the township; township treasurer, and township clerk.

BOARD MEETINGS.—Board meetings are held at the clerk's office. There are two regular meetings each year, one in April and one in October. Regular meetings can not last longer than two days, and called meetings not longer than one

day,—in all not more than fourteen days in one year.

HOW THE BOARD ORGANIZES.—At the first meeting after they are elected the board select one of their own number as President, who presides at all board meetings and signs all orders and official acts of the board. The township clerk acts as secretary at all board meetings.

DUTIES.—The chief duties of the board are as follows:

1. To divide the township into road districts.
2. To authorize the building, under the supervision of the road supervisor, of township bridges, that is, bridges not more than twenty feet in length. Bridges longer than twenty feet are county bridges, and are built under the supervision of the board of county commissioners, the township paying two-thirds of the cost and the county one-third. All fills, culverts, and bridges should be at least sixteen feet wide.

3. To clear the roads of weeds and brush.

4. To levy all township taxes for the construction of roads and bridges and to pay the township officials and defray all other expenses incurred for the benefit of the township. An estimate of the necessary expenses of the township for a year is made in advance and sent to the county clerk. This estimate is used in determining the rate of assessment for the township.

General road and bridge taxes can not exceed five mills, but in addition thereto a **special** bridge tax of five mills may be levied. When a township bridge is constructed over a stream between two townships the cost is borne by the two townships equally.

5. To equalize between individuals the township assessments, the third Monday in April yearly.

6. To audit all claims against the township and the ac-

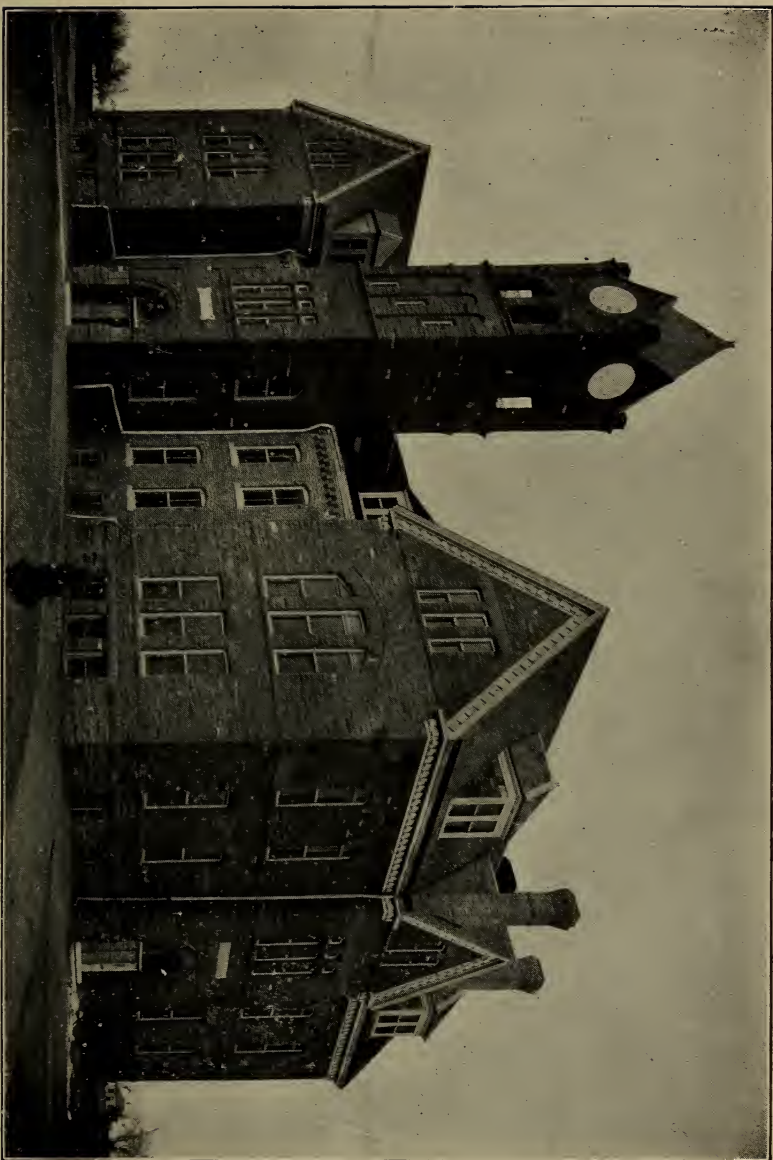
counts of township officers, except the assessor's accounts.

7. To perform all other duties prescribed by law.

ACCOUNTS: HOW PRESENTED AND PAID.—Claims may be presented to the township clerk, or to the board in session. All claims must be audited by the board, that is, be carefully examined as to their legality. Claims must be supported by an affidavit, that is, the claimant must make a solemn oath that the claim is true and just and wholly unpaid. The board may allow or reject the whole, or a part of any claim.

The claims thus audited are kept on file at the clerk's office, where any one may examine them. When a claim is allowed the board draw an order upon the treasurer, and the said order must be signed by the president of the board and "attested by the township clerk and delivered to the claimant."

PAY OF TOWNSHIP OFFICERS.—The clerk, justice of the peace, overseer of roads, and trustee when acting as trustee or supervisor of roads, each receive \$1.50 per day for the time actually spent in the discharge of the duties of their respective offices. The road supervisor can not draw pay for over 60 days' work in one year, nor a road overseer for more than 25 days in one year. The clerk is paid in part by fees: 25c each for serving notices of election or appointment to township office; 10c per hundred words for recording or copying instruments. The assessor is paid not to exceed \$3 per day for the time spent in taking assessment, as the county commissioners may determine. The justice of the peace is paid principally in fees ranging from 10c to \$3,—the marriage fee. The constable is paid entirely by fees.



A CENTRAL NORMAL BUILDING.

CHAPTER V.

SECOND CLASS CITIES, TOWNS AND VILLAGES.

INTRODUCTION.—When many people dwell closely together on a comparatively small tract of land, it becomes necessary to have a larger number of laws to regulate their relations with each other than when they live scattered throughout a rural district. There is much greater danger from spread of fire and contagious diseases, and from disorder and robbery, and the health is more apt to be impaired by impure water and imperfect drainage, and the greater travel and traffic in all seasons of the year make sidewalks and well kept streets a necessity. And for many other reasons a town, village, or city should have a special government, with its own set of officers and ordinances adapted to its needs. The statutes provide for organizing such governments.

FIRST AND SECOND CLASS CITIES AND TOWNS.

The cities, towns and villages of the Territory are divided into two classes. A first class city must contain over 2,500 inhabitants and be incorporated under the laws regulating the organization of cities of the first class. All other cities, towns and villages belong to the second class.

CITIES, TOWNS AND VILLAGES OF THE SECOND CLASS.

INCORPORATION OF A TOWN.—Before a town can be incorporated the site must be carefully surveyed and platted and the census taken, and at least one-third of the voters peti-

tion the county commissioners for the incorporation. The board of commissioners appoint a day for the citizens of the proposed town to decide by a majority vote whether the town shall be incorporated.

The new town is divided into not less than three wards nor more than seven wards. After due notice is given the various town officers are elected.

A BODY CORPORATE.—"The president and trustees of such town and their successors in office, shall constitute a body politic and corporate, by the name of the 'town of,' and shall be capable in law to prosecute and defend suits to which they are a party."

ANNUAL ELECTION: OFFICERS.—After the selection of the first set of officers, the regular annual election occurs on the first Monday in May. The Board of Trustees act as the Inspectors of election and as the Canvassing Board. (See chapter on Elections). Each year there are elected by a majority vote a Clerk, an Assessor, a Treasurer, a Justice of the Peace, and one Trustee for each ward. The Marshal is appointed by the Board of Trustees, as also are the Street Commissioners, Fire Wardens and City Attorney.

The offices of clerk and assessor may be held by one and the same person.

VACANCIES: HOW FILLED.—"A vacancy occurring in the board of trustees or in any corporate office shall be filled by appointment at a special meeting of the trustees called for that purpose." Such an appointment is only to fill out the remainder of the unexpired term.

HOW OFFICERS QUALIFY.—Every officer before entering upon the duties of his office must take an oath to faithfully discharge the duties of such office. All officers who have the handling of public money must take oath to properly use and

account for such money and give such bond as may be required by the board of trustees . The town officers required to furnish bonds are the clerk, assessor, treasurer, marshal and justice of the peace.

DUTIES OF OFFICERS.—The duties of the officers of an incorporated town correspond very closely to those of similar officers in a township. Only a few special duties will be mentioned here.

The Justice of the Peace has jurisdiction in all cases that come before a township justice, and **exclusive** jurisdiction in all cases resulting from violation of the town ordinances. In case of trial before a justice of the peace for violation of an ordinance of an incorporated town or city, the defendant may demand a jury trial. Then a jury of six citizens of the town having qualifications of jurors is selected as follows: The justice makes out and hands to the marshal a list of twelve names. The marshal and defendant strike off from this list three names each. The remaining six names constitute the jury. The justice must open court every day except Sundays. In his absence the President of the Council must act as Justice of the Peace.

The Town Clerk is charged with the care of all records, books and papers of the board of trustees, attends all meetings of said board and records the proceedings thereof. He is required to give ten days' notice of all regular and special meetings and elections of the qualified voters of the town.

The Assessor reports his assessments to the board of trustees "on or before the second Tuesday in April of each year."

The Marshal collects the special taxes and licenses, and performs other duties in the town corresponding to those of the sheriff in the county.

The Street Commissioners keep the streets and sidewalks

in repair; and the **Fire Wardens** see that the fire ordinances are complied with, and attend all fires “ and give their personal superintendence to extinguishing the same.”

BOARD OF TRUSTEES: POWERS AND DUTIES.—The board of trustees elect a President from their own body. This officer corresponds to the Mayor in the first class cities.

The powers and duties of the trustees may be classified in the following manner:

Business: Corporate Powers.—To have a seal; to purchase necessary real estate and personal property; to insure the public property: between the first and last Monday of April in each year to settle with the town treasurer, and publish an account of the receipts and expenditures, stating the sources of the receipts and the purposes of the expenditures; all bills must be itemized by the claimants and approved by the board before warrants can be drawn on the treasury; appropriate money for the payment of all just bills.

Taxing Power.—Before the third Monday in May of each year the board determines the amount of the general tax for the current year, which cannot exceed five mills on the dollar; to license or restrain public exhibitions, auctioneering and peddling; to tax all dogs kept and owned in town; to collect one dollar poll tax on each male citizen between the ages of twenty-one and fifty-five years.

Police Power: Maintaining Order and Enforcing Laws and Ordinances.—To appoint a marshal and deputy marshals; to preserve the peace and quiet of the town; to enforce the town ordinances by inflicting fines and penalties,—fines not to exceed \$25, except when an ordinance requiring a license is involved, in which-case the fine must not be less than the license fee, even though that be more than \$25.

Maintaining the Public Safety.—To provide for protection

against fire; to establish waterworks; to restrain stock from running at large; to appoint fire wardens to inspect buildings, etc., and see that precautions are taken against fire; to regulate the storage of gunpowder and other explosives.

Sanitary Power: Maintaining Regulations to Promote Health.—To insure good drinking water by establishing waterworks; to establish a system of drainage by sewers, etc.; to abate nuisances; to prohibit the spread of disease; to keep streets and alleys clean; to direct the erection of slaughter houses.

Guarding Public Morals.—To prohibit gambling and other immorality; to have full power to regulate or prohibit the liquor traffic within the town and for a distance of two miles beyond the corporate limits.

Promoting the General Welfare.—To establish and regulate town markets; to establish cemeteries; to plant and care for trees on the public grounds and along the streets; To Facilitate Travel (a) by establishing and improving streets and alleys; (b) by constructing sidewalks and sewers; (c) by appointing street commissioners; (d) by preventing sidewalks from being encumbered, or riding or driving along the same; (e) by permitting to all companies on equal terms the use of the streets and alleys for street railways, water pipes, gas pipes, and electric light and telephone wires.

General.—To make all ordinances necessary to carry into effect all provisions herein enumerated. Ordinances must be published ten days before taking effect, unless an emergency exists, in which case an ordinance may be declared in effect immediately upon publication.

CHAPTER VI.

CITIES OF THE FIRST CLASS.

INTRODUCTION.—In the time of Washington, Philadelphia was the largest city in the United States, having a population of 42,000. Now New York City is next to the largest city in the world, having a population of 3,500,000, as much as that of the entire United States at the adoption of the constitution. Statistics indicate that the city population of the United States is increasing more rapidly than the rural population. This is so because more people move to the cities from the country than to the country from the cities, and because most immigrants enter and remain in the cities. About one-third of the people of the United States live in cities and the remaining two-thirds in rural districts.

There are twenty-two cities of the first class in Oklahoma. Guthrie, the Territorial capital, and Oklahoma City are the largest. Most of these twenty-two cities "have good systems of waterworks, electric lights, police and fire protection, good sidewalks, graded streets, and some public buildings. Some have paved streets of asphalt or brick, sewer systems, gas plants, electric street-car lines, public parks, fine opera houses and churches. All have good graded schools, and many have beautiful and substantial school buildings. Each has its commercial

club, composed of the energetic and influential element of the place, which exerts every effort to build up the town and secure business enterprises and manufacturing industries." (From the Governor's Report for 1903).

For list of First Class Cities see Appendix A.

Cities of the first class contain over 2500 inhabitants, and all other cities, towns and villages belong to the second class. In comparison with the smaller cities and towns, the government of a first class city is much more complex, as there are many more officers, a larger council, and the authority of the local government is necessarily much greater. The more dense the population of a city the more intimate are the relations of its inhabitants, and, consequently, the greater is the necessity for regulating their conduct with a large number of minor rules; and, too, the greater is the benefit derived from public improvements. All the reasons for incorporating a town, or city of the second class, apply here with increasing force. As we consider the functions of the government of a city of the first class, we shall understand these reasons more fully.

HOW ORGANIZED AS A FIRST CLASS CITY.—The census is taken by order of the council. The population must be over 2500. The enumeration must be certified to the Governor, together with a petition signed by a majority of the voters requesting the Governor to declare it a city of the first class. Then within thirty days the Governor makes proclamation, giving twenty days notice, of an election of the officers required in a first class city.

All cities of the first class are bodies corporate and politic, having power to conduct suits at law and to acquire title to property, to make contracts, and to do all other acts necessary for the good government of the city. These powers are exer-

cised by the mayor and council.

ELECTION.—Cities of the first class have an election every year on the first Tuesday in April. As there are two members of the council and two members of the school board from each ward, one-half of the members of each body are chosen each year so as to have experienced men in these offices all the time. All other officers to be elected are chosen on odd years,—unless the council uses the power given it by the statutes to make the election of some or all of the city officers annual. The city council acts as the canvassing board, and the city clerk issues certificates of election to the successful candidates; otherwise the general election law governs city elections. (See chapter on Elections.)

QUALIFICATIONS OF OFFICERS.—All city officers must be qualified electors, and the councilmen and members of the school board must reside in the wards which they represent. Without these qualifications officers are apt not to have sufficient interest in and knowledge of local affairs.

VACANCIES: HOW FILLED.—All vacancies in city offices are filled by appointment by the council. Any officer except the mayor may be removed by a majority vote of the council.

OFFICERS.—The following officers are elected in a city of the first class: A mayor; clerk; police judge; treasurer; attorney; assessor; marshal, who acts as chief of police; treasurer of the school board; street commissioner; two councilmen and two members of the school board from each ward.

The following officers are appointed by the mayor, "by and with the consent of the council:" An assistant city marshal; city engineer; city physician; "and such policemen and other officers as the mayor and council may deem necessary."

PAY OF CITY OFFICIALS.—"The compensation of all

city officers shall be regulated by ordinance," but in no case can a councilman receive more than \$50 in one year for his services.

DUTIES OF CERTAIN OFFICERS.

THE CITY CLERK.—The city clerk shall keep a journal in which shall be recorded all proceedings of the city council. He keeps an "Ordinance Book," in which he enters at length in handwriting every ordinance immediately upon its passage by the council, and performs such other duties as the council may direct.

POLICE JUDGE.—The police judge has original and exclusive jurisdiction to hear and determine all offenses against the ordinances of the city, and also, as justice of the peace, he has power to try all cases that ordinarily come before such an officer. It is his duty to keep a "Docket" and record therein every cause commenced before him. (See Justice of Peace in previous chapter).

The council provide at city expense a suitable court room for the police judge. Police court must be open every day except Sundays.

Warrants issued by the police judge may be served by the city marshal, his deputy, the county sheriff, or any constable of the city.

Witnesses in police court are paid fifty cents per day.

Cases may be appealed from the police court to the district court.

The police judge makes a monthly report to the council through the city clerk of all cases tried before him and of all fines collected. After deducting the fees of the various officials, the judge turns over the balance to the city treasurer monthly.

THE MARSHAL: CHIEF OF POLICE.—The marshal is ex-officio chief of police. In general, it is the duty of the mar-

shall to enforce the city ordinances and preserve peace, carry out the orders of the police judge and collect licenses and certain special taxes.

The marshal acts under the orders of the mayor, and the police force are subject to the orders of both the marshal and mayor.

The law requires the council to dismiss the marshal, his assistant, or any member of the police force for intoxication, gambling or taking bribes.

THE CITY ATTORNEY gives legal advice to the officers of the city, and prosecutes persons guilty of violating the city ordinances.

THE CITY ENGINEER makes surveys for public improvements, such as sewerage and bridging the streets, etc., and estimates the cost thereof.

THE STREET COMMISSIONER has general charge of all street work. If sidewalks are not repaired after ten days' notice from him, he makes the repairs and taxes the cost against the abutting property.

THE DUTIES OF OTHER CITY OFFICERS correspond to the duties of similar officers in cities of the second class. (See chapter on Cities, Towns, and Villages).

The duties of city officers not defined by statute are defined by city ordinances.

THE MAYOR: HIS POWERS AND DUTIES.—"The mayor shall preside at all meetings of the city council, and shall have a casting vote when the council is equally divided, and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city . . . are complied with." He shall sign all orders drawn upon the treasurer, and sign or veto ordinances passed

by the city council. But the council can by a two-thirds vote pass an ordinance over the mayor's veto.

It is the duty of the mayor to make recommendations to the city council from time to time. He can require any city officer to exhibit the accounts, books or papers of his office, or make an official financial report to the council. An ordinance may be passed giving him power to enforce the health, quarantine, cemetery and waterworks regulations over all places within five miles of the city.

The mayor can call upon any male inhabitant of the city between the ages of eighteen and fifty years to aid in quelling riots, or enforcing the laws.

Acting with the council, he may remit fines and grant reprieves and pardons for violations of the city ordinances.

THE COUNCIL.

COUNCIL MEETINGS.—The council must hold at least one regular meeting each month. Special meetings may be called at the written request of three members, but only the special business mentioned in the request can be transacted at such meeting.

The council elect one of their own members as president of the council to preside in the absence of the mayor. It shall require all city officers to subscribe to an oath of office and give bonds for the faithful discharge of their duties. They must see that the city is divided into at least four wards.

A Quorum.—A quorum consists of a majority of all the members elected.

Passing Ordinances.—All ordinances must be read and considered by sections at a public meeting of the council. A ye and nay vote upon ordinances is recorded by the clerk. The vote of a majority of all the members elected is necessary to

pass an ordinance.

Ordinances are to be published as soon as practicable after they are passed.

The city council may authorize the revision and printing of the city ordinances from time to time.

GENERAL POWERS OF MAYOR AND COUNCIL.—The mayor and council have the management and care of the city and its finances; power to enact, change or repeal any ordinances that they deem expedient for the good of the city, the preservation of peace and good order, the suppression of vice and immorality, and the benefit of trade and commerce, and the health of the inhabitants thereof; but no act of the council is legal if it be contrary to the laws of the United States, The Organic Act, or the laws of the Territory.

Contracts for city work can not be for a greater amount than that estimated by the city engineer.

All claims against the city must be itemized and verified by oath, and passed upon favorably by the council before a warrant can be drawn for their payment.

SPECIFIC POWERS AND DUTIES OF THE COUNCIL.

The specific powers and duties of the city council may for convenience be roughly divided as follows:

RAISING REVENUE BY TAXES AND LICENSES TO SUPPORT THE GOVERNMENT OF THE CITY: Taxes.—

“That the Mayor and council of the city of the first class shall, on the second Monday of July of each year, make the following general tax levies only, and at the following rates, upon all of the taxable property of the city: (1) For a street and bridge fund, not to exceed two mills; (2) For a fire and water supply fund, not to exceed five mills; (3) For a contingent and supply fund, not to exceed one mill; (4) For a street lighting fund, not to exceed five mills; (5) For a salary fund, not to exceed

one mill; (6) For a sinking fund, a levy sufficient to pay one year's interest on the bonded indebtedness of the city, and to pay all bonds as they fall due, with twenty-five per cent added as an allowance for delinquent taxes; Provided, Said levy shall not exceed five mills; (7) For a park fund, not to exceed two mills; (8) For a judgment fund, not to exceed five mills."

The total tax for general purposes, exclusive of school taxes, can not exceed 4 per cent of the taxable property in the city. See Appendix B.

Extra Individual Assessments for Improvements.—The council may assess the grounds abutting for cost of building sidewalk on grade; for bringing streets to grade, paving and guttering, assessment is made for each block separately to the center of the block on each side of the street or alley improved, the assessment being without regard to the value of the buildings or improvements thereon,—for the purpose of this assessment the lots are appraised by three men appointed by the mayor; to plant and protect trees in the streets and avenues at the expense of the adjoining property owners.

All assessments of taxes are certified to the county clerk, collected by the county treasurer, and paid over to the city treasurer four times a year. The council publishes a statement of the city finances quarterly.

Poll Tax and Licenses.—The council may levy a poll tax of one dollar, in addition to the regular four dollars road tax, on all able bodied males between the ages of twenty-one and fifty years; levy an occupation tax on any kind of business carried on in the town: "Provided, however, That all scientific and literary lectures, and entertainments, shall be exempt from taxation, and also all concerts and musical and other entertainments given, exclusively by citizens of the city." The council has power to prohibit or license the sale of liquors of all kinds, bil-

liard playing, and bowling; and it may prohibit but can not license immoral and disorderly houses, gambling, and Sabbath desecration. All licenses expire on the last day of April following their date of issue.

Power to Issue Bonds.—For the purpose of general improvement, and by the sanction of a majority of the voters of the city, the council may issue seven per cent bonds payable from ten to twenty years from date; and without the consent of the voters it may issue bonds for **street improvements** equal to the amount of tax levied that year for that purpose, and such bonds shall be payable in not more than a year from the date of issue; to pay the general indebtedness of the city, or for the running expenses of the city, money may be borrowed and bonds issued therefor by the sanction of the voters, such bonds to be made payable between ten and twenty years from date and bearing not more than ten per cent interest, but no such debts can be funded for more than their face value. To provide a fund for paying the interest and principal of the above mentioned bonds, a tax in addition to other taxes may be levied. And the council is required to provide a sinking fund with which to pay the principal of its bonded indebtedness whenever it falls due. For instance, suppose a certain bond falls due in ten years. Each year one-tenth of the amount would be raised by taxation and kept for the payment of the debt when due; thus the burden of the debt is distributed over a period of ten years.

All bonded indebtedness of the city can not exceed twenty per cent of the taxable property.

In a city of the first class with a system of waterworks, a special election may authorize the issuing of scrip to the amount of \$5,000, to be expended in sinking wells. Such scrip must be made payable one-fifth each year until paid, and bear not more

than six per cent interest.

Money can not be spent except by appropriation, which must be sanctioned by a majority of the council elected.

The taxes must be kept in the various funds for which they are collected, and a warrant for any particular purpose must be drawn on the fund created for that specific purpose.

It is unlawful for the council to issue any kind of certificate of indebtedness or warrants to an amount greater, or to pay more, than eighty per cent of the levy for city expenses.

POLICE POWER.—The council provides a police force to maintain order and enforce the laws and ordinances; makes all rules, regulations, and ordinances necessary to carry into effect all powers granted to it by the laws of the Territory. It may enforce any ordinance by a fine not exceeding \$100, or imprisonment not exceeding three months, or both.

PUBLIC SAFETY: PRECAUTIONS AGAINST DANGER TO PROPERTY AND LIFE.—The council may provide for the impounding of all kinds of stock found running at large within the city limits; levy a dog tax and kill all dogs not cared for according to ordinance; punish fast riding or driving in the streets; punish the riding or driving of animals or vehicles upon the sidewalks; regulate the construction and care of all kinds of chimneys and heating apparatus; prescribe limits within which no wooden building may be erected, "nor dangerous or obnoxious or offensive business may be carried on;" organize fire companies and provide them with proper apparatus; control the carrying of fire arms; punish vagrancy; regulate the establishment of depots, the running of trains through the city limits, the construction of railroad crossings, and the taking of private property for public use.

SANITARY POWER: PROMOTING HEALTH.—The council may establish quarantine regulations; employ a city

physician and provide a hospital; establish a proper system of drainage and sewerage and keep the streets and alleys cleared of all garbage and refuse; and provide for the isolation of persons suffering with contagious diseases.

GUARDING PUBLIC MORALS.—The council has power to prohibit or license the sale of liquors of all kinds, billiard playing and bowling; it may prohibit, but can not license, immoral and disorderly houses, gambling and Sabbath desecration; to preserve the peace, quietness, and morality of the city, it may prohibit all kinds of unnecessary and boisterous noises, assaults, larceny, disturbances, indecent shows, discharge of fire arms and explosives of various kinds within the city.

IMPROVEMENT AND CARE OF STREETS.—The council may widen or close streets and alleys, or lay out and open new ones; prevent all kinds of obstructions in the public passage ways; control the planting and care of shade trees in the streets; regulate all kinds of constructions in, adjoining, or under the public passage ways; provide for and regulate the lighting of the streets, but no contract for lighting the streets can be made for a longer time than twenty-one years, and all lighting companies must be allowed the use of the streets and alleys on the same terms,—and the price of lights are subject to reasonable control by the council.

The council must publish for four weeks a notice of proposed improvements of the streets or alleys which necessitate special taxes. If a majority of the property owners who would have to pay the special tax do not file with the city clerk their protest against such improvement, then the council have power to make the proposed improvements.

Sidewalks may be constructed upon the request of ten petitioners.

Contracts may be made for street sprinkling and the cost

taxed against owners of property fronting on streets so sprinkled, but such cost shall not exceed two mills on the dollar of the property valuation.

PROMOTING THE GENERAL WELFARE.—The council may purchase grounds, erect a market house and provide for the regulation thereof, and in like manner may provide for any other public building; prescribe rules for weighing and measuring all commodities sold in the streets.

Providing a Cemetery.—The mayor and council may purchase a tract of land not to exceed eighty acres outside of the city limits to be used as a cemetery. “The council shall provide for surveying, platting, grading, fencing, ornamenting and improving all the burial and cemetery grounds and the avenues leading thereto.” They also regulate the sale of lots to private individuals, and make rules and ordinances regarding the care of the cemetery.

SCHOOLS IN CITIES OF THE FIRST CLASS.

Each city of the first class constitutes a separate school district, which is not under the supervision of the county superintendent of schools. And territory adjacent to the city may be joined for school purposes.

The School Board is composed of two members from each ward, whose term is two years, the two members from each ward being elected on alternate years. At the annual meeting in May the board organizes by the selection of a president, vice-president, and clerk, who perform the usual duties of such officers. The clerk gives a \$1,000 bond. The treasurer makes monthly reports of the financial condition of the district, and performs the other usual duties of a school treasurer. His bond is prescribed by the board.

The board elect the superintendent and teachers, and may

make rules and regulations for the school.

Selection of Teachers.—A committee with the superintendent as chairman is appointed by the board to examine all persons applying to teach in the city schools.

A tax of fifteen mills on all taxable property in the district may be levied by the board for school purposes. To pay interest and to provide a sinking fund to pay off the bonds, this rate may be increased. Only eighty per cent of this levy is subject to warrants.

Regular meetings of the board are held upon the first Monday of each month.

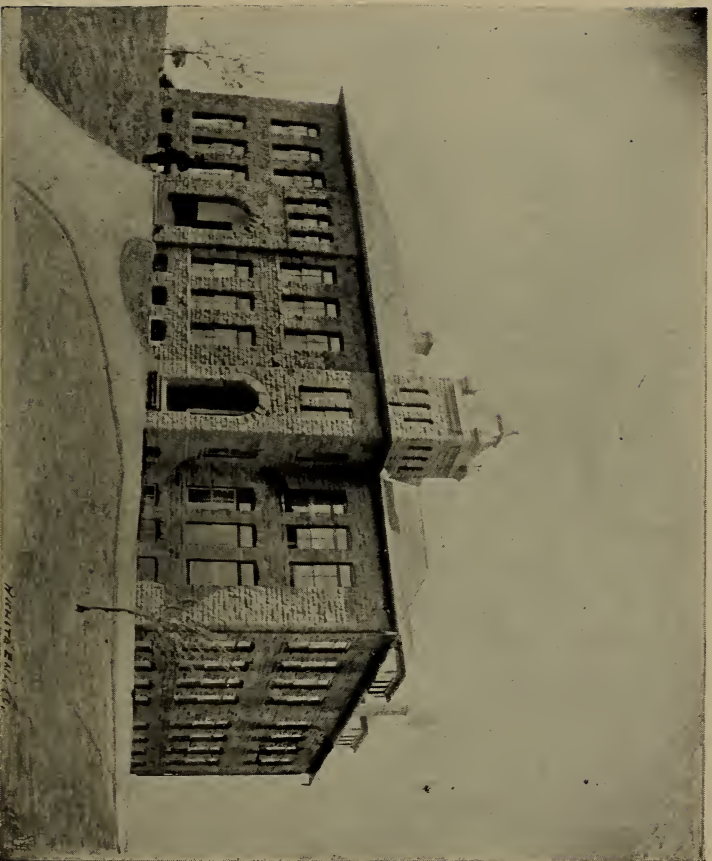
The enumeration of school children is taken during January of each year.

PUBLIC SCHOOL LIBRARIES.

The law provides that in order to establish school libraries in each district there shall be used for the purchase of books and periodicals from \$5 to \$100 a year, according to the number of teachers employed. The board of examiners in each county furnishes the list of books to be published.

KINDERGARTEN.

Kindergartens may be established for children between the ages of four and six years in any school district having a population of twenty-five hundred.



MAIN BUILDING, COLORED AGRICULTURAL COLLEGE
AT LANGSTON.

CHAPTER VII.

THE COUNTY.

INTRODUCTION.—For hundreds of years the county has been in use among English speaking people as a convenient political division for such purposes as the following: The levy and collection of taxes; the settlement of the estates of those who die; the appointment of guardians to care for orphan children and their estates; the settlement of disputes among the people, and prosecution for felony; supervision of common schools; care of the poor, insane, and certain criminals; preserving records of real estate transfers, of mortgages, judgments, and liens on personal property and real estate; construction of the more expensive roads and bridges; management of elections and canvassing votes; taking measures to preserve the public health, etc.

In the southern part of the United States from the earliest colonial times the county has been the most important unit of local government. This is known as the **county system**. In the New England states the township, or town, as it is called there, has always been the all-important organization for local government. This is known as the **township system** of local government. But in the middle Atlantic, North Central and Western States there has prevailed a combination of the county and township systems, known as the **mixed system**. This latter division of local powers quite equally between the township

and county seems to work best, and will probably in time become universal throughout the United States.

We have the mixed,—**township-county**,—system of local government in Oklahoma.

ORGANIZATION.—By the Organic Act, Oklahoma was originally organized into seven counties, with boundaries and county seats prescribed by congress. These counties were designated by number and the capitals indicated as follows:

No. 1, county seat, Guthrie.

No. 2, county seat, Oklahoma City.

No. 3, county seat, Norman.

No. 4, county seat, El Reno.

No. 5, county seat, Kingfisher.

No. 6, county seat, Stillwater.

No. 7, "The Public Land Strip," all west of the 100th meridian, county seat, Beaver.

The names of the counties were determined by vote at the time the first assembly was chosen.

After the first opening the Secretary of Interior divided each "New Country," added to Oklahoma from time to time, into counties of as nearly as possible 900 square miles, and located the county seat in the center of each. Caddo, Comanche, and Kiowa counties were named by congress. Greer county was organized and claimed by Texas until the decision of the Supreme Court gave it to Oklahoma in 1896. The names of all other counties have been selected by the voters thereof. There are twenty-six counties at present, and others will be added as Indian titles to land become extinct.

The first set of officers in new counties are appointed by the Governor to serve until the first election.

BODY CORPORATE AND POLITIC.—Each organized county is a body politic and corporate and has the following

powers:

“First. To sue and be sued. Second. To purchase and hold real and personal estate for the use of the county, and lands sold for taxes as provided by law. Third. To sell or convey any real or personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants. Fourth. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of corporate or administrative power. Fifth. To exercise such other and further powers as may be especially provided for by law.”

The powers of body politic and corporate are exercised by the commissioners. In all suits at law where the county is a party, the commissioners appear as plaintiffs or defendants in behalf of the county. The inhabitants of the county are competent witnesses and jurors in such cases. A judgment against the county shall be paid out of the county taxes.

ELECTION: OFFICERS.—The county officers are surveyor, treasurer, weigher, sheriff, attorney, clerk, probate judge, register of deeds, coroner, superintendent of public instruction, and three county commissioners. A county is divided into three districts for the election of county commissioners, one commissioner being elected from each district. All county officers are elected once in two years, that is, at the general election, and qualify the following January,—except the county superintendent, who qualifies the first Monday in the following July, and the treasurer, who takes his office the first Monday of October following the election.

GENERAL QUALIFICATION.—All county officials must be qualified electors of their county.

VACANCIES: HOW FILLED.—The Governor makes appointments to fill vacancies in the board of county commis-

sioners. All other vacancies in county offices are filled by the county commissioners.

COUNTY TREASURER.

The treasurer must have his office at the county seat. He is required to give bond ranging from \$25,000 to \$75,000, depending upon the population of the county. He can not hold more than two terms in succession.

DUTIES.—The county treasurer has charge of the county funds, paying out money only on warrants issued by the board of commissioners. He collects the county taxes, and must keep an accurate account with each fund, settling with the commissioners twice a year, that is, in January and July.

At the direction of the commissioners he may insure county buildings. The treasurer must certify regarding taxes on abstracted property.

SALARY.—For various services the treasurer receives fees ranging from five cents to one dollar. He must report to the commissioners quarterly all fees collected. Out of such fees he may retain as his annual salary \$800 in counties of not more than 10,000 inhabitants; \$1500 in counties of from 10,000 to 15,000 inhabitants; \$1800 in counties of from 15,000 to 18,000 inhabitants; and \$2200 in counties of over 18,000 inhabitants. (To ascertain salaries of your county officers see Appendix C).

REGISTER OF DEEDS.

This officer is elected for a term of two years and must give a bond of \$5,000. He may appoint a deputy and require him to furnish a \$2,000 bond, but he must pay his deputy and all the rest of his assistants.

DUTIES.—He has the care of records, books, deeds, maps, papers, etc., of his office which he keeps at the county seat. He must have a seal containing the words "Oklahoma" and "Register of Deeds." He must attach this seal to all papers recorded

and to all copies of his records which he issues. This seal insures their genuineness.

It is his duty to record deeds, mortgages, and all other encumbrances against property, maps, plats, marriage certificates, and other papers in books furnished by the county; and he must carefully index each deed book and mortgage book. When a mortgage has been lifted the register of deeds records the fact.

The Plat Book.—Maps of all cities, towns, and villages, or additions to the same, and cemeteries must be recorded in a special book known as “the plat book.”

The Receiving Book.—The exact day, hour, and minute an instrument is received for recording is entered in the receiving book as the recording date. This is very important. To illustrate: When two or more mortgages are given on the same property, the first one put on record by the register of deeds is the first one to be paid in case it is necessary to sell the property to satisfy the debts of the mortgagor, and other mortgages are satisfied in the order in which they were recorded.

The register of deeds will not make a record until he has been paid the fee therefor in advance by the one having the record made.

SALARY.—He is paid by the county for indexing the deed book and mortgage book; for his various services he charges and collects fees ranging from five cents to \$3.00 each. He must keep a careful record of fees received and report quarterly to the county commissioners, and turn over to the county treasurer all moneys received in excess of his salary.

Out of his fees he may retain as salary in counties of 10,000 or less, \$800; in counties of from 10,000 to 15,000 inhabitants, \$1200; in counties of from 15,000 to 18,000 inhabitants, \$1600;

in counties of 18,000 or more, \$2000.

COUNTY CLERK.

The county clerk is required to give a bond of not less than \$5000. He must have his office at the county seat and keep it open from 8 A. M. until 6 P. M. daily.

DUTIES.—The county clerk must keep a record of the proceedings of the board of commissioners; file accounts acted upon by the board; attest all orders on the county treasurer; keep a "Road Record," showing an account of all surveys and other official transactions regarding roads in the county; make out the tax roll; furnish the township officers with proper blanks, books, etc.

He "keeps tab" on the county treasurer by making a record of all the receipts and expenditures of the county. He is thus book-keeper of the county, keeping accounts with ten different funds.

When the regular assessor fails to assess property, it is the duty of the county clerk to do so. All receipts given by the treasurer, except tax receipts, must be countersigned by the clerk.

Once a year he reports to the territorial auditor on the commissioners examine all accounts of the county treasurer financial condition of his county. The clerk and the board of at the close of his term of office.

In counties not exceeding 5000 inhabitants, the county clerk is also register of deeds.

SALARY.—He has power to appoint a deputy, who, upon action of the board of commissioners, may be paid a salary of not more than \$50 per month out of the county funds, but the clerk himself must pay his other office help, except in certain emergencies. He may be allowed \$300 for making the tax roll. He must charge, collect and pay over to the county treasurer,

fees ranging from seven cents per hundred words for copying instruments to \$10 for issuing a liquor license. As a salary he may retain from the fees \$500 in counties of not over 5000 inhabitants; \$700 in counties from 5000 to 10,000 inhabitants; \$1000 in counties of from 10,000 to 15,000 inhabitants; \$1300 in counties of from 15,000 to 18,000 inhabitants; and \$1600 in counties over 18,000 inhabitants.

COUNTY ATTORNEY.

A bond of \$1000 is required of this official for the faithful discharge of his duties. He must be a resident of the county and admitted to the bar.

DUTIES.—The county attorney must appear as counsel before the district court on behalf of the county or Territory in all criminal or civil cases in which the county or Territory is interested or a party. It is his duty to prosecute violations of the territorial laws; to give legal information free of charge to civil officials upon request. The grand jury may require him to assist in the examination of witnesses and preparation of indictments. He can not give legal service in any case against the county or Territory.

SALARY.—All moneys received by him must be turned over to the county treasurer within ten days of the receipt thereof. Once a year he settles with the treasurer. Besides being allowed necessary traveling expenses, his salary is \$1000 yearly in counties of not more than 10,000 inhabitants; \$1150 in counties of from 10,000 to 13,000; \$1250 in counties of from 13,000 to 16,000; \$1350 in counties of from 16,000 to 19,000; \$1450 in counties of from 19,000 to 22,000; and \$1600 in counties containing over 22,000 inhabitants.

SHERIFF.

The sheriff must furnish a bond of from \$3,000 to \$20,000, as the board of commissioners may determine. He may ap-

point in writing one or more deputy sheriffs and a jailor. These appointments must be approved by the commissioners. The sheriff is responsible for the acts of his deputies. Deputies are paid by not over sixty per cent of the fees they receive.

The coroner acts as sheriff in any case where the sheriff or a deputy can not act.

DUTIES.—The sheriff is responsible for the proper care of the county jail and the secure keeping of prisoners. He is ministerial officer of the county courts, serving all writs, orders, etc., of such courts. It is also his duty to preserve the peace of the county by quelling riots, dispersing unlawful assemblies, capturing criminals, etc. In carrying out these duties he can call to his assistance any person or persons he sees fit, or “summon a posse.” A person so called upon must respond or lay himself liable for severe penalties, for it is the civil duty of every citizen, not only to obey the law, but also, to assist in its enforcement. If a sheriff fails to perform his duty he lays himself liable for a fine, suit for damages, or removal from office.

SALARY.—He receives fees for many services, and is allowed ten cents a mile and board while traveling in the discharge of his duties,—as when he takes a convict to the penitentiary, or an insane person to the asylum. He must settle quarterly with the county commissioners. As his yearly salary he may retain from the fees he collects \$1600 in counties of 10,000 or less inhabitants; \$2000 in counties of from 10,000 to 15,000; \$2400 in counties of from 15,000 to 18,000; \$2800 in counties of more than 18,000 inhabitants.

CORONER.

The bond required of this official is from \$5000 to \$10,000. He performs the duties and executes the powers conferred upon the sheriff by law when that officer is disqualified for any

reason.

HOLDING INQUEST.—The chief duty of the coroner is to hold inquests. When a person dies from probably some unlawful means the coroner summons six citizens to act as jurors in making inquiry into the cause of the death. He has power to require witnesses to attend this inquest; and to have medical analysis made if he has a good reason to suspect poisoning. He may even cause the arrest of suspected persons and bring them before a justice for trial. He has the proceedings of the inquest, including the testimony of witnesses and the verdict of the jury, reduced to writing. These matters are all reported by him to the clerk of the district court.

DISPOSAL OF DEAD BODIES.—If there be legal representatives of the deceased, the body is turned over to them; if not, the coroner takes charge of the burial. If any personal property of the deceased is discovered, it is applied to defraying the funeral expenses; otherwise the county funds are used for that purpose.

A justice of the peace can act as coroner when there is not a regularly elected coroner in the county.

SALARY.—A coroner receives \$4 a day for holding inquests. For all services connected with inquests he is paid the same fees that the justice receives for like services; for performing all duties of the sheriff he is entitled to the same fees as the sheriff; he is allowed as traveling expenses ten cents per mile.

COUNTY SURVEYOR.

This official gives a \$1000 bond.

DUTIES.—He must make surveys at the request of the district or probate court, the board of county commissioners, an individual owner of land, or his representative. He may be required by the commissioners to make a record of his surveys, the same to be filed in the county clerk's office. Such a record

is competent evidence in any court.

Surveys must be according to the regular system of United States land surveys. The surveyor is required to follow the original survey, observing the "ancient landmarks." He may swear chainmen and witnesses testifying to corner stones and other landmarks.

He must make all surveys for public works, such as bridges, culverts, roads, ditches, etc. He may be required to superintend the construction of such works, and report to the county commissioners thereon.

In the establishment of boundary lines all interested parties are notified. Parties not satisfied with a survey have thirty days in which to appeal to the district court of the county. If no appeal is taken the survey stands. If the case is appealed the judge decides the matter.

SALARY.—The county surveyor is paid \$5 per day for "field work," that is, making surveys. For making records or copies he is paid certain fees. The parties for whom the work is done must pay the surveyor.

COUNTY WEAIGHER.

The bond required of this official is \$1000. His office is at the county seat. His books are open to all interested parties.

DUTIES.—It is his duty to inspect and weigh, according to the standard weights of the United States, all cotton, grain of every kind, live stock, and all other commodities sold by weight, record their condition, and furnish certificates of weight to all parties applying for such weights.

For standard weights and measures in Oklahoma see Appendix E.

This officer furnishes his own scales, office, and all blank books and other supplies. His scales must be inspected quarterly by the sheriff. It is the weigher's duty to report any at-

tempt by the seller to dishonestly increase by any artifice the weight of his commodity. Such dishonest seller may be fined from \$25 to \$75. Failure to report such dishonesty subjects the weigher to removal from office.

SALARY.—The weigher is paid in fees, ten cents for each weigh. Unpaid fees constitute a lien upon the property weighed, and the lien follows the property in all transfers. Fines for false weights, or non-performance of duties, range from \$25 to \$30, and the offender may be removed from office.

Some counties do not have a county weigher.

COUNTY SUPERINTENDENT.

The county superintendent is required to take oath and give a \$1000 bond. His term begins on the first Monday of July following his election. He may employ an assistant at his own expense.

SPECIAL QUALIFICATION.—No one can be a county superintendent unless he holds a first class certificate, or is a graduate of some institution of learning.

DUTIES.—It is his duty to divide the county into convenient school districts; but he can not change the boundaries of any district unless one-third of the voters of such district so petition, and such a matter can be carried over the superintendent's decision to the county commissioners by a petition of one-fourth of the voters; to fill vacancies in boards of directors; to act as chairman of the county board to examine teachers; to visit each school at least once during each term; to have oversight of discipline, classification, and instruction; to make suggestions in writing to the district board regarding the condition of the school house, furniture, etc.; to examine records of school officials to see that they are properly kept; to encourage teachers' meetings; to personally hold a public meeting in each district once a year; to hold institutes yearly; to keep his office

open Saturdays, and, in counties where his salary is \$720, he must keep his office open on all days when he is not necessarily absent in the discharge of his duties; to keep a record of all candidates for certificates, and of all teachers employed in his county; to report to the territorial superintendent in October of each year full particulars regarding the schools, institutes, and all other school matters, and his work in connection therewith; ten days before the annual school meeting to procure of the county clerk and report to each school district clerk the total assessed valuation of property in his district; monthly and at the close of the institute to transmit to the county treasurer all moneys received with an itemized account of the same; to apportion all school money received from the Territory and from the county tax among the various districts of the county according to the number of persons of school age in each; to assist in establishing county uniformity of text books. (See discussion later on).

SALARY.—The salary of the county superintendent depends upon the population of school age in his county, that is, of persons between the ages of six and twenty-one years. When the population of school age ranges from 1000 to 1500 his salary is \$480 a year; when it is 1500 his salary is \$600; and beyond that for each additional one hundred of school population, his salary is increased \$18. Where the school population is less than 1000, he receives \$3.60 a day for not to exceed one hundred days in a year. No county superintendent is to receive over \$1200 a year as salary.

As the county superintendent does not have charge of the schools of the cities, the population of school age in the cities is not counted in determining his salary.

Teachers' Certificates.

In each county there is a board of three examiners. The

superintendent is chairman of this board. The other two members, who must have the same qualifications as the superintendent, are nominated by the superintendent and appointed by the county commissioners, to serve until their successors are appointed, and receive \$3 a day for not more than five days' service in one quarter of a year. Teachers' examinations are held four times a year, the last Friday and Saturday of January, April, and October, and at the close of the normal institute. County teachers' certificates are of three grades, according to the following table:

Teachers' Certificates.

Grade.	Time in force.	Subjects in which Teachers are Examined.	The minimum grade in any branch.				
			Average grade required in examination.				
			Required age of applicant.				
			Successful teaching experience required.				
1st grade.	3 years.	Orthography, Reading, Writing, English Grammar, Composition, Geography, Arithmetic, United States History, Book-keeping, Physiology and Hygiene, Theory and Practice, Civics and Natural Philosophy.	70 per cent.	90 per cent.	20 years.	12 mo.	
2d grade.	2 years.	All of the above branches except Book-keeping and Natural Philosophy.	60 per cent	80 per cent	18 yrs.	3 mo.	
3d grade.	1 year.	The same as for second grade except Civics.	50 per cent	70 per cent	16 yrs.	None.	
		A third grade certificate can not be issued more than twice to the same person.					

An applicant is denied a certificate if his grade in any one subject falls below the minimum.

An applicant is denied a certificate if his grade in any one subject falls below the minimum.

Only a first-class certificate is good in a county where it was not issued, and then only upon endorsement by the superintendent of that county.

A fee of one dollar is charged all applicants for certificates.

Normal Institutes.

Every year the county superintendent holds a teachers' institute of at least two weeks. Directors and instructors of institutes must hold special certificates granted by the territorial board of education.

County Uniformity of Text Books.

Provisions may be made for county uniformity of text books. Voters may signify their desire for county uniformity at an annual school meeting. When a majority of the districts so notify the county superintendent, this official calls for delegates to be elected in each district and incorporated town to meet with him to assist in adopting texts to be used throughout the county. Such texts can not be changed again for five years. The Territorial Superintendent of Public Instruction contracts at the lowest wholesale price for texts thus adopted. Under this system text books may be cheaper, and families moving from one district to another would not be forced to the expense of getting new books.

Separate Schools.

The law provides for the establishment and maintenance of separate schools for white and colored children in all counties to be supported by a county tax.

County High School.

Each county containing six thousand inhabitants or over may establish a county high school. The question is decided by popular vote. If a majority of the votes cast are in favor

of such a school, the county commissioners appoint a board of six trustees. The county superintendent is ex-officio a member and the president of this board. This board of trustees arrange for the establishment and for the general management of the school. Tuition is free to residents of the county. The graduates from the normal course are qualified for teaching, or for entering upon professional courses at the territorial normal schools, and the collegiate course prepares for the freshman class of the Territorial University, or the Agricultural and Mechanical College. Logan county has established a county high school at Guthrie. The high school proposition was voted down in Kay, Cleveland, and Garfield counties.

COUNTY SCHOOL FUND.

Besides the money raised in each district for the support of its schools, there is a county school fund. This fund for the support of the common schools in the county is raised by a county tax of not to exceed one per cent, and by fines, sales of estrays, marriage license fees, and money paid for release from military duty. This fund is apportioned among the various districts of the county according to the school population.

LEGAL HOLIDAYS.

Sunday, January 1st, February 22, July 4, December 25, May 30, general election day, and all days appointed by the President or Governor for public fasting and thanksgiving, are legal holidays. If New Year's Day, Christmas, Fourth of July, or Lincoln's Birthday falls on Sunday, the following Monday is a holiday.

The Friday following the second Monday in March of each year is Arbor Day in Oklahoma. The law requires the authorities of the public schools to celebrate this day with appropriate exercises.

PROBATE JUDGE.

DUTIES AND POWERS.—The word probate comes from the Latin word which means proof, and has reference to proof of wills. This is a very appropriate title for this judge, as his powers and duties pertain chiefly to his jurisdiction over estates of deceased persons. He sees that such property goes to the persons lawfully entitled to it; takes proof of wills and authorizes executors and administrators to act in managing and disposing of property of deceased persons; he may remove an executor or administrator who does not do his duty; compel executors, administrators and guardians to render accounts; appoint and remove guardians for infants, and for persons insane or otherwise incompetent, and control the conduct of such guardians and settle their accounts.

Wills: Executors.—While living a man may make a will in which he states what he wishes done with his property after his death. Almost any disposition of property may be made by will. This will must be signed by the maker and two witnesses in the presence of each other. This will does not take effect until the death of the maker, and then not until it is presented to the probate court and admitted to proof. The two witnesses who signed the will are called by the Probate Judge to testify regarding the will. It must be shown to the satisfaction of the Judge that the will is the last, true, and voluntary will of the deceased; that the deceased signed his own name or authorized some one else to sign it for him, that he was of sound mind, and that he was under no restraint. The will is then recorded, and the Judge appoints an executor to settle up the business of the estate, by first paying the debts of the deceased, and then turning the remainder of the property over to those named in the will. The deceased may have mentioned in his will whom he wished to act as executor, but this appointment must be ap-

proved by the Probate Judge before he has authority to act as executor.

No Will: Administrator.—When a man dies leaving no will the Probate Judge appoints an administrator to settle the estate and dispose of the property according to law. First, his debts must be paid, and then the remainder of the property is divided among the wife and children. If there be left a widow and one child, the property is divided equally between them; if there be a widow and more than one child, the widow is given one-third and the remainder is divided equally among the children; if there be no widow but children, the property is divided equally among them; if there be left a widow but no children, she is allowed one-half of the estate and the other half goes to the nearest relation of the deceased, beginning with his father, mother, then brothers and sisters, etc.; if simply a widow survives with no near kin, she gets the whole estate; if there be left no widow nor children of the deceased, then the property is divided among the nearest kindred; if the deceased leaves no kindred the property goes to the Territory for the support of the common schools.

Guardians.—When a minor or insane person has property of his own the law provides for the appointment of some mature person to take charge of it for him. The person whose property is thus controlled is called the **ward**. In many cases the appointment is made by the Probate Judge. Such guardian is under control of the Judge. The Judge may require him to give an account of his management of the property, and for just cause the Judge may dismiss him entirely. The property must be managed for the interests of the ward. The minor upon becoming of age, or an insane ward upon becoming sane, has the right to have control of his own property.

JURISDICTION IN CIVIL AND CRIMINAL CASES.—

The Probate Judge has concurrent jurisdiction with the justice of the peace in all cases (See Justice of the Peace in chapter on Township), and the same jurisdiction as the District Court in civil cases where the amount involved does not exceed \$1000. (See chapter on District Court).

Juries for Probate and Justice of the Peace Courts: How Chosen.

Criminal Cases.—A criminal trial before a Probate Judge, or Justice of the Peace, is without jury, unless before the trial begins the plaintiff or the defendant demands a jury. If a jury trial is demanded six men are selected as follows: The Judge, or Justice, writes the names of eighteen persons in the county qualified as jurors (See chapter on Jurors), and from this list the defendant and plaintiff strike a name each by turns until there are but six remaining. These six men constitute the jury. A jury thus selected is sometimes called a "stricken jury."

Civil Cases.—In a civil case the parties may agree upon a less number than six for a jury.

BOND.—The Probate Judge must give a bond of \$5000.

SALARY.—For presiding at trials this Judge receives two dollars per day after the first day of the trial. He receives a commission on certain moneys collected, and fees for certain other services. From the fees collected, he may retain as salary \$1000 a year in counties of not more than 10,000 inhabitants; \$1200 in counties of from 10,000 to 18,000; and \$1600 in counties of over 18,000 inhabitants. When the property valuation is equal to that of counties of from 10,000 to 15,000 inhabitants, then the compensation of the Judge is the same as that of such counties. In addition to the above, the Probate Judge may retain out of the fees of his office for clerk hire from \$120 to \$300, according to the population of the county.

COUNTY COMMISSIONERS.

Each county is divided into three districts. At each general election one commissioner is elected for each district to serve a term of two years. The commissioners take office on the first Tuesday of January following election.

QUALIFICATIONS.—No one can be commissioner who holds any other political office or is in any way connected with a railroad.

BOND.—The bond required of each county commissioner is from \$1000 to \$5000, according to the discretion of the probate judge.

SEAL.—The commissioners must provide a seal for the county clerk to be used by him as the county seal to stamp all papers required sealing by law.

SESSIONS.—The board must hold regular quarterly sessions the first Monday in January, April, July, and October in each year. On the first Monday in June of each year the commissioners meet for the purpose of equalizing the assessments between the townships and cities of the county. Besides the regular sessions the county clerk has power to call special sessions. At special or adjourned sessions the only accounts that can be considered are those of election expenses and jury fees. All other claims must be considered at a quarterly session. All sessions of this board are open to the public and held at the county seat.

CHAIRMAN OF THE BOARD.—The commissioners elect one of their number at the first meeting of each year to act as chairman.

PASSING ON ACCOUNTS.—Accounts presented to the county commissioners must be sworn to, itemized, and filed with the county clerk five days before the meeting of the board, and such accounts are subject to public inspection. The board of

commissioners may reject a part or the whole of any claim.

POWERS AND DUTIES OF THE CHAIRMAN.—The chairman presides at the meetings, administers an oath to persons making affidavits to the board, and signs all orders and warrants drawn on the county treasury by the board. He preserves order at the sittings of the board and may enforce same by fines or imprisonment.

ACCOUNT WITH COUNTY TREASURER.—The commissioners must keep an accurate account with the county treasurer showing all amounts received by him and all amounts paid out by him.

RECORDS.—Records must be kept by the county clerk of all orders and decisions made by this board.

WARRANT BOOK.—In a separate book a record is kept by the county clerk of all warrants drawn by the commissioners on the county treasurer.

Only eighty per cent of a tax levy is subject to warrants. This is true of the general levy and also of any special levy.

POWERS OF THE BOARD.—This board has power:

I. To sell county lands, but if the value exceeds \$5000 the sale must be sanctioned by a majority of the voters of the county before sale can be made.

II. To levy taxes to pay county debts. (See Appendix D).

III. To audit accounts of all county officers.

IV. To build and repair bridges over twenty feet in length; to lay out highways, condemn and purchase right of way where it is not practicable to follow the section line.

The county rate of **general** road and bridge tax shall not exceed six mills on the dollar; but in addition there may be levied a **special bridge** tax of four mills. One half of the income from liquor licenses goes into the county road and bridge

fund.

Bridges costing over \$25 are built by contract, the contract being let to the responsible person making the lowest sealed bid. The county surveyor estimates the cost of such bridges before a contract is let. Bridges over streams between two counties are built at the joint expense of the two counties.

V. To establish election precincts one or more in each township.

VI. To provide books out of county funds for all county and township officers.

VII. To equalize assessment rolls of the county.

VIII. To organize townships.

IX. To locate indemnity school lands.

A financial report of the county must be published by the board the first Monday in January of each year.

Extraordinary Expenditures.—Any outlay of money which cannot be provided for by the annual taxes must be sanctioned by the voters.

HOW WARRANTS ARE ISSUED.—“All warrants upon the county treasurer shall be issued upon the order of the board of county commissioners, signed by the chairman thereof and attested by the signature of the county clerk, with the county seal attached, and shall designate the fund upon which they are drawn.”

COURT HOUSE, JAIL, OFFICES, ETC.—The commissioners must provide for a court room, jail, and offices with suitable furniture, safes, and office supplies for the following named officers:

Sheriff, Treasurer, Register of Deeds, County Attorney, County Clerk, Superintendent of Public Instruction, and Judge of Probate. The court must also be provided with attendants, fuel, lights, and stationery suitable and sufficient for the trans-

action of court business.

APPEAL FROM COMMISSIONERS' DECISION.—Any person aggrieved by a decision of the county commissioners can have an appeal within twenty days to the district court by filing a suitable bond for cost with the county clerk.

OFFICERS TO ACCOUNT TO THE COMMISSIONERS.—“All Treasurers, Sheriffs, Clerks, Constables, and other officers chargeable with money belonging to the county shall render their accounts to, and settle with the county commissioners at the time required by law, and pay into the county treasury any balance which may be due the county, take duplicate receipts therefor, and deposit one of the same with the county clerk within five days thereafter.”

PUBLISH PROCEEDINGS.—It is the duty of the commissioners to publish a full report of each meeting as soon thereafter as practicable. This report is to be prepared by the county clerk.

BONDS CANNOT ISSUE.—Bonds for the purpose of erecting court houses and jails cannot be issued to an amount, which, together with the outstanding indebtedness, would exceed four per cent of the assessed valuation of the taxable property in the county. Such bonds when properly issued cannot be sold for less than ninety-five cents on the dollar. Interest cannot exceed seven per cent. The bonds must be paid in ten equal annual payments, to begin in eleven years or in twenty-one years.

SALARY.—The commissioners receive in counties of 10,000 inhabitants or less, \$180 per year; in counties of from 10,000 to 13,000 inhabitants, \$200; in counties of from 13,000 to 16,000 inhabitants, \$250; in counties of from 16,000 to 20,000 inhabitants, \$300; and in counties of more than 20,000 inhabitants,

\$350.

They also receive five cents per mile for all travel necessary in attending board meetings.

For overseeing bridge work county commissioners receive \$3 per day in addition to other compensation allowed by law.

COUNTY BOARD OF HEALTH.

This board is composed of three persons: (1) A legally qualified physician appointed by the Superintendent of the Territorial Board of Health, who shall be Superintendent of the County Board of Health; (2) The chairman of the Board of County Commissioners; (3) and a legally qualified physician appointed by the Board of County Commissioners.

“The Superintendent of the County Board of Health shall have power to abolish nuisances that are dangerous to the public health, to isolate persons afflicted with dangerous or contagious diseases, and to do such other things with the approval of the board as may be deemed necessary for the preservation of the public health.”

The Superintendent of the County Board of Health is paid for expenses and fees not to exceed \$100 per annum.

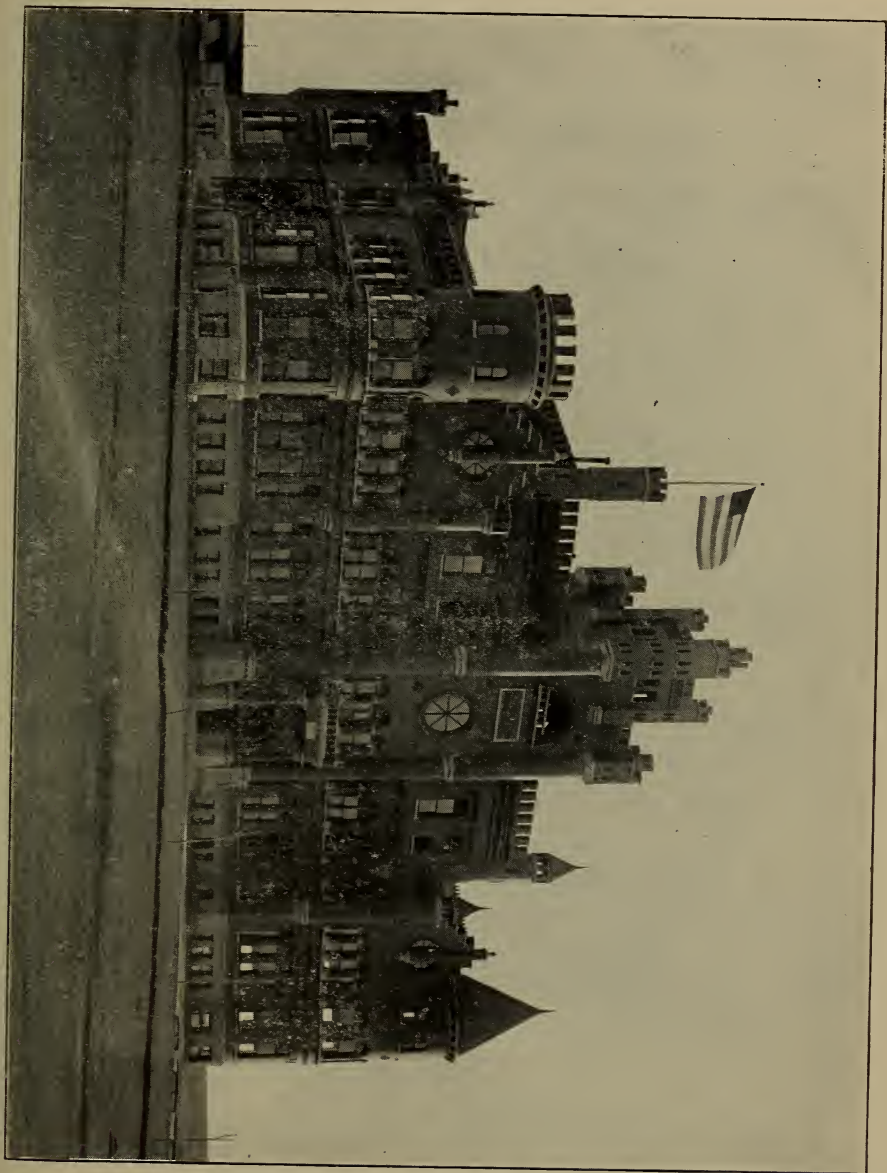
THE COUNTY COMMISSION OF INSANITY.

This board consists of the probate judge and two other persons appointed by the county commissioners,—a physician and a lawyer. Persons thought to be insane may be brought before this commission. If adjudged insane, arrangements may be made to care for the patient in private, or he may be sent to the territorial sanitarium at Norman. (See chapter on the Insane.)

COUNTY CARE OF THE POOR.

Though ~~we are~~ prosperous as a nation, there are persons scattered throughout the country who are unable to provide

L. of C.



THE ALVA NORMAL.

themselves with the necessities of life.

In the United States as a whole, one person in every 652 inhabitants is supported partly or wholly by the public. In some sections of the country the townships or cities look after the poor, but in Oklahoma the indigent poor are entirely a county charge.

The county commissioners are Overseers of the Poor. They may grant temporary or permanent relief to residents of the county who are unable to secure their own necessities. One acquires a "residence" in the meaning of this law by living six months in a county. If not a resident the pauper is sent to the county from which he came. Some are able to provide for their needs during the summer season but come to want in the winter. Such are given temporary aid by the county. Others need to be provided for the year round. If there be no poor farm, or poor house, or asylum, in the county, the Overseers of the Poor contract for their care in private homes. Upon a petition of one-fourth of the voters, the county commissioners may provide a permanent home for the poor where all may be cared for under the management of the Superintendent of the County Asylum, who, besides board for his family, may receive not more than \$600 a year as salary.

The inmates of this asylum may be required to do whatever work they are able to do.

A tax of one-half mill may be levied for the support of the poor in the county.

CHAPTER VIII.

THE LEGISLATURE.

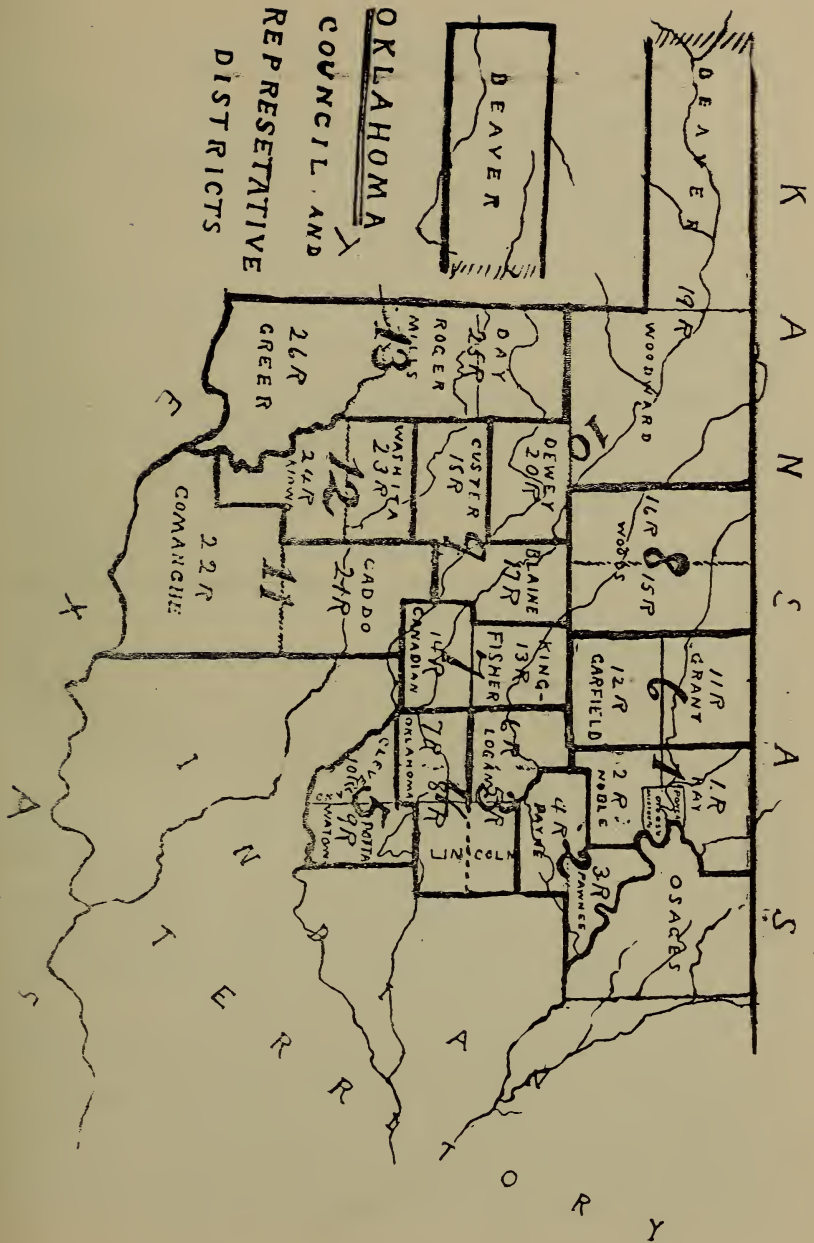
The supreme legislative power of the Territory is vested in the Governor and the Territorial Legislature. The Legislature consists of a Council of thirteen members, and a House of Representatives of twenty-six members.

QUALIFICATIONS OF MEMBERS.—Age twenty-one; male citizen of the United States; resident of Oklahoma one year, of his district six months, and must never have been convicted of felony.

Not Eligible.—No person holding a United States office, or a lucrative Territorial office, or interested in a contract with, or holding an unadjusted claim against the Territory, shall be eligible to a seat in the Legislature.

ELECTION.—The districts for the election of Legislators are designated by law. (See diagram on accompanying page).

REPRESENTATIVE
RESTRICTS



The Councilmen and Representatives are elected for a term of two years at the general election every even numbered year, and take office the following January.

SESSIONS.—The Legislature meets once in two years. The regular session of the Legislative Assembly commences at 2 o'clock P. M. of the second Tuesday of January following the election. By the Organic Act the regular sessions are limited to sixty days.

ORGANIZATION OF THE COUNCIL AND HOUSE.—

Upon first assembling any member may call the body to order. Next, a temporary Chairman and Clerk are elected. Then certificates of election are enrolled with the Clerk. Each house is sole judge of the election and qualifications of its members; and makes rules to regulate its own proceedings, but restrictions are placed upon making any rules which will take the control out of the hands of the majority. Members are sworn in by the Territorial Secretary, or one of the Supreme Judges, and then the permanent organization takes place. The presiding officer of each house is selected from the membership; the other officers are not members.

OFFICERS OF COUNCIL AND HOUSE.—The officers of the Council are: President; Chief Clerk; Engrossing Clerk, who acts as Enrolling Clerk; Sergeant-at-Arms, who acts as Doorkeeper; Messenger; Watchman; and Chaplain. The presiding officer of the House of Representatives is called **Speaker**, while the other officers are the same as in the Council.

The United States laws provide for the payment of the above officers. Besides these each house has a large number of subordinate officers and employees, including committee clerks, assistant clerks, janitors, doorkeepers, pages, etc. The VIIth Legislative Assembly had about one hundred such employees. Subordinate officers may be employed by special act of the

Legislature and paid out of Territorial funds, but their term expires with the session, unless otherwise specified.

PRESIDENT OF COUNCIL AND SPEAKER OF HOUSE.

These officers perform the usual duties of Chairmen of such bodies.

CHIEF CLERK'S DUTIES.—It is the duty of the Chief Clerk "to keep correct journals of the proceedings of their respective houses; to have the custody of all records, accounts, bills, and other papers committed to them," and at the close of the session to deposit all documents with the Secretary of the Territory. The Chief Clerks have charge of the Engrossing Clerks.

SERGEANT-AT-ARMS.—Each house has a Sergeant-at-Arms who acts under the direction of the presiding officer. He maintains order, supervises the doorkeeper, watchman, messenger, and janitors of his house, and serves subpoenas and makes arrests at the order of the chief officer of the house, or any committee thereof.

QUORUM.—"The majority of all the members elected to each house shall, in their respective houses, constitute a quorum."

EXPULSION.—"Either house may, by a two-thirds vote, expel a member for good cause shown."

POWER TO COMPEL WITNESSES.—The chief officer of either house when trying a member, or the Chairman of any committee, may compel the presence of any witness. A witness refusing to testify is liable for punishment for contempt.

MEMBERS FREE FROM ARREST.—A member of the Legislature can not be prosecuted for language used in debate, nor, while the Legislature is in session, can a member or officer of either house be compelled to attend any suit at law as wit-

ness or defendant, nor can he be arrested except for treason, "felony, or breach of the peace committed during the session."

ADJOURNMENT.—"When assembled, neither house shall, without the consent of the other, adjourn to any other place, nor for a longer period than two days."

RECORD.—Each house keeps a journal of its own proceedings.

MAKING LAWS.

COMMITTEES.—Much of the work of lawmaking is done by standing committees. At the organization of each house the members are placed on various committees, each committee having in charge a special class of bills. For instance, suppose a bill is introduced which proposes to change the existing banking laws of the Territory. This bill would be referred to the Committee on Banking, and, after a thorough examination, if the committee thought wise they would report it to the House with the recommendation that it be passed. A bill unfavorably reported stands little chance of becoming a law. A large majority of the bills presented to legislative bodies "die in committee," that is, they are referred to the appropriate committee, and for various reasons are never reported back to the Legislative bodies.

It would be impossible for any Legislative body to properly consider and pass many wise laws without the preliminary work of the standing committees.

PASSING BILLS.—A bill can contain but one subject, which must be clearly stated in the title. Every bill is required to be read before each house on three separate days, except in cases of emergency. Either house may amend a bill. On the final passage of the bill in each house, a yea and nay vote is recorded in the journal. A majority vote of all the members elected to each house is necessary to pass a bill or resolution. A bill hav-

ing passed both houses is signed "by the President of the Council, and then by the Speaker of the House, in the presence of their respective houses while in session; each officer, before signing the bill, shall state to the house what bill it is."

THE GOVERNOR'S PART IN LAW MAKING.—The bill is then sent to the Governor; it could not otherwise become a law. "If he approves he shall sign it, but if not, he shall return it with his objections to the house in which it originated, which shall enter the objection at large upon their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays, to be entered in the journal of each House respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law." Organic Act, Sec. 6.

RESTRICTIONS UPON THE LEGISLATURE.—The United States statutes declare, "in all cases where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the Territorial Legislature thereof." The Territorial Legislature can not change the location of a county seat.

"The Legislative Assemblies of the several territories shall not grant private charters or special privileges, but they may by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining," and various

other enterprises.

“That no law of any Territorial Legislature shall authorize any debt to be contracted by, or on behalf of, such Territory, except in the following cases: To meet a casual deficit in the revenues; to pay the interest upon the Territorial debt; to suppress insurrection, or to provide for the public defense; except that in addition to any indebtedness created for such purposes, the Legislature may authorize a loan for the erection of penal, charitable or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed one per centum upon the assessed valuation of the taxable property in such territory as shown by the last general assessment for taxation.” U. S. Statutes.

TERRITORIAL LAWS SUBJECT TO REPEAL BY CONGRESS.—All laws passed by Territorial Legislatures are subject to revision or repeal by the Congress of the United States.

PAY OF OUR LEGISLATORS.—The Organic Act provides the following pay for Legislators: Four dollars per day during their attendance at sessions, and mileage at the rate of twenty cents per mile by the nearest route going to the Legislature and returning home.

CHAPTER IX.

THE TERRITORIAL GOVERNMENT.

The territorial government, like the government of the United States and of the separate states, consists of three departments: the executive, legislative, and judicial departments. All the members of the executive branch are appointed: the governor, the secretary, the United States marshal and the United States attorney are selected by the President of the United States; the superintendent and auditor, the treasurer, the attorney general, and many minor officers of the Territory are selected by the governor. The members of the legislature are chosen by the people at the general election in even numbered years. The seven judges constituting the supreme and district courts are appointed by the President of the United States.

THE EXECUTIVE DEPARTMENT.

THE GOVERNOR.

The supreme executive power of the Territory is vested in the governor appointed by the President for a term of four years. The governor must reside in the Territory. It is his duty to take care that the laws of the Territory are faithfully executed.

APPOINTING POWER.—The governor nominates, and by and with the advice and consent of the majority of the council,

appoints and commissions all territorial officers.

When the legislature is not in session vacancies in appointive offices are filled by the governor alone, such appointees to remain in office until the next session of the legislature. Any appointive officer may be removed by the governor for sufficient cause.

THE GOVERNOR'S PARDONING POWER.—The governor may grant pardons for offenses against territorial laws, “and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon.”

MESSAGE.—At the opening of each session of the legislature the governor sends a message to that body describing the condition of the territory, recommending such laws as he thinks wise, and giving an estimate of the running expenses of the territorial government for the next two years.

The governor has power to call an extra session of the legislature when he deems it expedient.

SIGNING BILLS.—Every bill passed by the legislature must be presented to the governor for his approval. If the governor approves the bill he signs it and it becomes a law. But a bill becomes a law without the governor's signature if he does not return it to the house in which it originated with his objections thereto, within five days, or, if after being so returned, it passes both houses by a two-thirds majority.

The governor's office is at the capital of the territory, where he keeps a record of all his official acts.

The governor is commander-in-chief of the militia of the territory.

For the capture of criminals he may offer a reward not to exceed \$500.

“The governor shall in all cases issue a proclamation, giv-

ing thirty days' notice of the time and places of holding elections, for the purpose of choosing a delegate to congress, and members of the territorial legislature, and for choosing county and township officers, and cause same to be published in a newspaper published in each county in the territory."

"The governor may, from time to time, require information in writing from executive officers of the Territory on any subject relating to the duties of their respective offices."

SALARY.—Out of the treasury of the United States the governor is paid a salary of \$2600 annually, and the legislature of 1903 appropriated for clerk hire and other contingent expenses, \$2600 a year for the years 1903 and 1904.

THE TERRITORIAL SECRETARY.

As in the case of the Governor, the Territorial Secretary is appointed by the President for a term of four years, and is required to reside in the Territory. He is ex-officio Commissioner of Insurance.

As Secretary it is his duty to keep a record of all laws and proceedings of the Legislature, "and all acts and proceedings of the Governor and his executive department;" to report yearly to the Secretary of the Interior; and to transmit a copy of the laws and proceedings of the legislature, within thirty days after the adjournment thereof, to each the President and Secretary of the Interior, and two copies to each branch of Congress.

The Secretary is also Lieutenant Governor, for the Organic Act provides that he shall act as Governor in case of absence, removal, or disability of that officer. Many other duties of the Secretary are mentioned in the statutes in connection with other subjects.

Commissioner of Insurance.—There are many fire and life

insurance companies assuming risks in the Territory, and practically everybody is more or less affected by their operations. Hence it is very important that they be required to do business on safe and just principles. The Commissioner of Insurance supervises the enforcement of the laws regulating fire and life insurance companies in the Territory. He must make a quarterly report to the Auditor of the Territory of all fees collected or charged, and, after retaining one-fourth of his salary, he must pay the balance into the Treasury of the Territory. For the quarter ending June 30, 1904, the fees collected in this office amounted to \$3,856.25. Over \$2000 of this amount was collected for issuing charters to 105 corporations.

SALARY.—The salary of this official is \$3000 per year: he is paid \$1800 a year by the United States as Secretary: \$1200 a year as Commissioner of Insurance by the Territory. The Territorial Legislature of 1903 allowed him \$1000 per annum for contingent expenses as Secretary, and \$1800 per annum for clerk hire as Commissioner of Insurance.

SUPERINTENDENT AND AUDITOR.

The Territorial Superintendent is appointed by the Governor for a term of two years. He must take an oath of office and give a bond of \$5000 for the faithful discharge of his duties. It will be remembered that this officer is also Territorial Auditor, and must give a like bond as Auditor.

DUTIES.—He has general supervision of the educational interests of the Territory. He apportions among the counties according to the school population the money collected for the support of the public schools twice a year,—between the 15th and last of January and July respectively. The amount set aside for each county is in the proportion that its school population, that is, children over the age of six years and under the

age of twenty-one, bears to the school population of the entire Territory.

To Interpret School Laws.—Upon the written request of any county or city Superintendent, it is also his duty to interpret the school laws regarding the duties of school officers and superintendents. He may publish the school laws with decisions thereon, comments, etc., once in two years. He is required to prepare all school blanks in order to promote uniformity. In the interest of education he must visit each county at least once a year. His office is at the capital of the Territory, where are kept all records, reports, etc., belonging to his office.

His Report.—The Superintendent shall report to the Governor on the first day of December preceding each regular session of the Legislature:

First. The number and different kinds of schools, subjects taught, and the attendance at each.

Second. "A statement of the condition of the public school funds of the Territory."

Third. The receipts and expenditures of money for school purposes."

Fourth. Suggestions for the improvement of public schools.

See The Territorial Board of Education in Chapter XIV.

See Chapter XX for an account of Territorial support of schools.

TERRITORIAL AUDITOR'S DUTIES.—The Superintendent of Public Instruction holds the office of Territorial Auditor ex-officio.

Issues Warrants.—The Auditor examines and adjusts all lawful claims against the Territory and issues warrants, or orders, on the Territorial Treasurer for their payment.

Records.—He makes careful and full record of all war-

rants issued, and keeps on file all warrants paid and returned to him by the Territorial Treasurer. A separate account with each fund must be kept.

Reports.—He prepares a report yearly, on or before December 15th, for the Governor, and a biennial report for the Legislature before it meets in regular session. This report must show: 1. Warrants drawn. 2. Warrants paid. 3. Balance in each fund. 4. Suggestions on Territorial finances.

His books must be open to the inspection of the Legislators. It is his duty to inform the County Clerks of newly taxable lands in their counties; to instruct the Assessors and Treasurers concerning the uniformity of assessments, collection of taxes, etc. Under certain conditions he may correct errors in taxes. He is required to direct the County Clerk to take legal proceedings against any delinquent revenue officer in his county. He must swear those testifying concerning accounts presented to him for payment.

SALARY.—His salary as Superintendent of Public Instruction and Territorial Auditor is \$1800, payable quarterly. The law allows him for Deputy Auditor, \$1200; for stenographer, \$600; for traveling expenses, \$100; for contingent expenses, \$2200.

TERRITORIAL TREASURER.

The Treasurer is appointed by the Governor for a term of two years. He must be a resident and legal voter of the Territory and furnish a \$50,000 bond. The Treasurer has custody of all public money paid into the Territorial Treasury, and he must keep an account of all receipts and expenditures. A separate account is kept with each county, Territorial assessments being debited, and payments by the county credited. He also makes a full record of all warrants paid, and dates warrants for interest when funds are not on hand to pay same: and calls

in interest-bearing warrants when funds are available to pay them. Thirty days after such a call interest stops.

Reports.—On the last of March, June, September, and November he turns over paid warrants to the Territorial Auditor for cancellation, and takes a receipt therefor.

He submits reports to the Governor and to the Legislature the same as the Auditor.

Examinations.—Either branch of the Legislature, or a committee appointed for that purpose by the Legislature, or by the Governor, may examine any books or accounts, and count the cash in the hands of the Treasurer.

The Treasurer is not allowed to buy any warrants redeemable at the treasury at less than face value.

He must make good losses caused by neglecting to call the delinquent to account.

SALARY.—The Treasurer receives for his services \$1800 a year, payable quarterly; for clerk hire, \$480; for contingent expenses, \$600; for expenses in securing bond, \$400.

ATTORNEY GENERAL.

The Attorney General must be a resident and legal voter of the Territory. He is appointed for a term of two years by the Governor with the consent of a majority of the Legislative Council. His office is furnished by the Territory.

For the faithful discharge of his duties he is required to take oath and give bond for \$3000.

Duties.—It is the duty of the Attorney General to represent the Territory in all civil and criminal cases. He conducts cases in connection with the various executive offices of Governor, Auditor, and Treasurer; gives official advice to the County Attorneys, free written opinions on points of law upon request by the Legislature, Governor, Auditor, Treasurer, or

Superintendent of Public Instruction; assists certain officers in the preparation of legal forms; turns over promptly to the Territorial Treasurer all money received officially; and keeps a docket of cases, that is, in a book provided by the Territory, he keeps a complete record of all cases defended or prosecuted in behalf of the Territory.

SALARY.—His compensation is \$1800 a year, payable quarterly; he is allowed for salary of assistant, \$1000; for contingent expenses, \$1000.

Other Officers and their duties are discussed in a separate chapter entitled Minor Officers of the Territory.

For a list of Territorial Officers see Appendix E.

DELEGATE TO CONGRESS.

At each biennial election a Delegate to Congress is chosen, who holds office for two years. His term begins March 4 following the general election. He is elected by a plurality vote, that is, not necessarily a majority of all the votes cast, but simply more votes than are cast for any other candidate.

Qualifications.—Twenty-five years of age; citizen of the United States seven years; and a resident of Oklahoma.

He represents the interests of the Territory in the lower house of Congress and may speak on all questions pertaining to the Territory, but has no vote.

SALARY.—\$5000 annually, and 20 cents per mile for every mile necessarily traveled in going to and returning from sessions of Congress.



PROPOSED FEDERAL BUILDING FOR GUTHRIE.

CHAPTER X.

THE JUDICIAL DEPARTMENT.

INTRODUCTION.—One of the chief objects of government is to maintain justice between man and man. The Legislative department announces rules for the guidance of men in their civil relations, directing them to do certain things and forbidding the doing of certain other things. These rules, or laws, are founded upon justice. But, through ignorance or disregard for the right of others, these civil rules are often violated. Whenever a question arises as to whether a law has been actually violated, or as to how much harm has been done by breaking a rule of society and who should pay the damage, it is the business of the courts to inquire into the matter, determine the facts in the case and explain the law pertaining to the case. But to start the machinery of the court to work it is necessary that complaint be properly made by the person suffering from the violation of the law. The person making the complaint to the court is called the **plaintiff**, and the person against whom the complaint is made and who endeavors to defend himself is called the **defendant**. It is a maxim of American law, that every man is presumed innocent until he is proven to be guilty. The Constitution of the United States guarantees to every man a fair trial before he can be punished by being deprived of his life, liberty or property. To guard this most sacred American privilege, the courts are conducted according to an elaborate

set of rules, known as "rules of procedure." There is considerable "red tape" required in conducting suits at law, and sometimes the guilty escape because of it; but it is better that a dozen guilty persons escape punishment than that one innocent person suffers unjustly.

CIVIL CASES.—Cases may be civil or criminal. Offenses against individuals,—disputes over conflicting rights of individuals, contract rights, the collection of debts, or in general, cases in which private individuals are concerned almost exclusively,—are called civil cases.

CRIMES: FELONIES AND MISDEMEANORS.—Wrongs against society, that is, offenses against life, liberty, property, health,—such as murder, arson and burglary,—are always called crimes. Crimes also include offenses against the government which endanger the public peace and welfare. Or, we may define a crime by describing how it is punished. The statutes of Oklahoma state that a crime is an offense which is punishable by death, imprisonment, fine, removal from office or disqualification to hold and enjoy any office of honor, trust, or profit under this Territory.

Crimes are divided into two classes: The most serious offenses are called **felonies**; and the minor offenses are called **misdemeanors**. A felony is a crime punishable by death or imprisonment in the Territorial prison. A misdemeanor is any other crime.

TERRITORIAL COURTS.—The Organic Act provides "that the judicial power of the Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace."

THE SUPREME COURT.—The Supreme Court consists of a Chief Justice and six Associate Justices, appointed by the President of the United States and confirmed by the Senate.

"They shall hold their offices for four years, or until their successors are appointed and qualified." The salary of each justice is \$1000 a year, payable quarterly out of the treasury of the United States.

TERMS OF SUPREME COURT.—Each year there are two regular terms of the Supreme Court held at Guthrie. The first six days of each term are given to Federal cases.

JURISDICTION.—"The Supreme and District Courts, respectively, shall possess chancery as well as common law jurisdiction, and authority for redress of all wrongs, committed against the constitution or laws of the United States or of the Territory, affecting persons or property."

A "chancery," or "equity," case is one in which the law can not be directly applied, but which must be decided according to principles of justice.

The Supreme and District Courts may grant writs of mandamus and habeas corpus in all cases authorized by law. By a "writ of mandamus" an official is commanded to do, or not to do, certain things. By a writ of "habeas corpus" a prisoner, without awaiting due course of trial, is given an opportunity to immediately show why he should be given his liberty. This is one of our highly valued civil rights.

A majority of the justices must concur in an opinion to make an opinion binding.

No Justice of the Supreme Court can sit on an appealed case decided by him in the District court, or wherein he has any interest. The Supreme Court appoints its own Clerk, who holds office at the pleasure of the court.

There are no jury trials in the Supreme Court.

SUPREME COURT CASES APPEALED.—Cases may be appealed from the Supreme Court of the Territory to the Supreme Court of the United States in the same manner and under

the same regulations as from the Circuit Courts of the United States, where the value of the property or the amount in controversy exceeds \$5000.

DISTRICT COURTS.

The Supreme Court divides the Territory into seven Judicial Districts, and fixes a time and place at each county seat for holding District Court, and designates the Judge (one of the Justices of the Supreme Court) who shall preside therein. Each Judge, after assignment, shall reside in the district to which he is assigned. "The Territory not embraced in organized counties shall be attached for judicial purposes to such organized county or counties as the Supreme Court may determine."

Each District Court appoints its own clerk and stenographer, to hold at the pleasure of the court.

TERMS.—There are two regular terms of court each year in each county.

JURISDICTION.—This court tries cases appealed from the Probate Court; it has concurrent jurisdiction with the Supreme Court, that is, it has jurisdiction in the same class of cases; and the same jurisdiction as the Circuit and District Courts of the United States.

The first six days of each term are devoted to the trial of Federal cases, that is, cases involving violations of the constitution or laws of the United States.

All offenses are triable in the county where committed, but a change of venue may be had to another county. It would work hardship on the defendant to take him to a distant court for trial. The expenses of defense would be greatly increased, and malicious prosecution might be thus encouraged. But some times a judge may be prejudiced, or it may be difficult to get

an impartial jury in one county. In such cases a change of venue may be had, that is, the case may be taken to the adjoining county for trial.

This court has jurisdiction in cases arising between Indians of different tribes. None of the courts have jurisdiction over difficulties between Indians of a tribe while maintaining tribal relations.

APPEALS.—Any case may be appealed from the final decision of the District Court to the Supreme Court of the Territory. But many cases are settled in the District Court, thus relieving the Supreme Court of much work. Only one Judge passes upon each case in a District Court, but when a case is appealed to the Supreme Court, several justices must agree upon the decision, thus increasing the weight of legal authority.

Trial in the District Court is without jury unless the parties to the suit demand a jury. For an account of the selection of juries see Chapter XVI.

For list of Judicial Districts and Judges see Appendix G.

UNITED STATES ATTORNEY.

This officer is appointed by the President for a term of four years. He must be learned in the law. It is his duty to conduct prosecutions against violators of the laws of the United States within the Territory. Besides a salary of \$250 a year the laws allow payment of fees for certain services.

UNITED STATES MARSHAL.

The United States Marshal is, also, appointed by the President for a term of four years. This officer serves all orders issued by the higher courts of the Territory. He may arrest criminals anywhere in the Territory, but preliminary trial must be held before a U. S. Court Commissioner, or a Justice of the Peace, whose office is nearest to the place of the crime. All of-

fenses are triable in the county where committed, but change of venue may be had to another county. This officer receives a salary of \$200 a year and certain fees allowed by law.

Outline of the Three Departments of Government in Oklahoma.

I.—Legis- lative.	1. { Legislative { Council Assembly. { House	{ Make general laws for the Territory and pro- vide for support of ter- ritorial institutions.
	2. County Commissioners	{ Manage local public affairs, establish local
	3. Township Trustees	{ institutions and provide
	4. School Board	{ for the support of local government.
	5. Town or City Council	{ Make laws for govern- ment of Town, and pro- vides for support of Town government.

II.—Executive.	1. State.....	Governor. Secretary. Sup't of Public Instruction and Auditor. Treasurer. U. S. Marshal. U. S. Attorney. Attorney General. Many minor officers appointed by the Governor.
	2. County.....	Board of County Commissioners. Treasurer. Register of Deeds. Clerk. County Attorney. Sheriff. Coroner. Surveyor. Weigher. Superintendent. Board of Health. Commission of Insanity.
	3. Township.....	Road Supervisors. Trustees: Clerk, Treasurer, Assessor. Justices. Constables.
	4. School District.....	Director. Clerk. Treasurer.
	5. Town or City.....	Mayor. Clerk. Treasurer. Attorney. Assessor. Marshal. Street Commissioner. Council. Appointive Officers.
III.—Judicial.	1. Supreme Court.	
	2. District Courts.	
	3. Probate Courts.	
	4. Justice's and Police Courts.	

CHAPTER XI.

ELECTIONS: NOMINATIONS.

THE IMPORTANCE OF THE BALLOT.—Intelligent voting is the most important political activity of a self-governing people. By means of the ballot the people select from among themselves those who are to make the laws, enforce the laws, and explain the laws. By the ballot the voters often express their wishes regarding some public question. The officers who do not carry out the will of the people are replaced at subsequent elections by those who will do so. Thus in the hands of the common people the free ballot is an instrument of great power. If the voters are intelligent and highly moral we may expect a popular government to be the best government known among men. As in the case of an individual, intelligent self-control is better by far than outward restraint applied by others, so in the case of a nation intelligent self-government is the highest type of political government and will result in the most perfect justice between man and man and promote to the highest degree the general welfare.

THE VALUE OF POLITICAL PARTIES.—Political organizations are an essential part of the machinery of a free government, for they conduct the discussions on public questions and generally nominate all the candidates for the public offices. A full discussion of public questions fosters the intelligence of the voters. Political parties define their positions on

the various questions of the day in platforms adopted at their conventions. And the candidates for office need to be named sometime before election in order that their character and ability may become well known to the voters. These candidates are generally selected at conventions, but sometimes by petition. Each party uses practically the same methods of calling and conducting conventions.

NOMINATION BY POLITICAL PARTIES.

COMMITTEES.—Every party has a full set of committees; that is, there is a separate committee for each division and subdivision of the Territory and corresponding to each set of officers to be elected,—a Territorial Committee, composed of members selected at the previous Territorial convention; a County Central Committee for each county, made up of the local committeemen throughout the county; and a local committeeman in each township of the rural districts, and one in each town, or village, or city ward.

The Territorial Committee meets, selects a chairman for the ensuing year, and issues a call for the Territorial convention; then the County Central Committee assemble, each elects its chairman for the next year, and calls the county convention; and last the local committeeman for each township, town, or city ward calls his primary.

THE PRIMARY.—The primary is the first gathering of voters to nominate candidates for office. The local committeeman calls the primary to order: They next organize by selecting a permanent Chairman, a Secretary, and two or more Tellers. The Chairman presides at the meeting; the Secretary keeps a record of the business done; and the Tellers collect and count the votes. The work of the primary is threefold.

1. The officers are nominated for the township, town, or

city ward, as the case may be.

2. Delegates to the county convention are selected, each precinct being allowed a number of delegates proportionate to its party vote at the last election. The delegates are given certificates signed by the Chairman and Secretary of the primary showing that they have the right to sit in the county convention.

3. There is elected a local committeeman, who thus becomes a member of the County Central Committee.

In order to vote at a primary one needs to be a legal voter of that precinct and agree to support the candidates nominated at the primary.

If this primary convention is simply to nominate local officers, it is generally called a "caucus."

COUNTY CONVENTIONS.—The work of the county convention is very similar to that of the primary. The delegates from the local primaries meet in county convention; the convention is called to order by the county Chairman; they organize, nominate county officers; nominate representatives to the Territorial Legislature, if the county be a representative district, and select the allotted number of delegates to the Territorial convention.

Eighteen representative districts consist of one county each; four consist of less than a county each, and each of the four remaining districts comprise one whole county and a part or a whole, of one or more other counties.

Sometimes a special convention, known as a delegate convention, is called in the county for the purpose of electing delegates to the Territorial convention, which meets to nominate a Territorial delegate to Congress and Presidential delegates to the national convention.

PRIMARY ELECTIONS.—In some cases the county officers

cers are nominated at what are called "primary elections." Instead of electing delegates to the county nominating convention, each voter in the precinct at the primary takes part in naming the county ticket. He votes direct for his favorite candidate for each office. The primary elections are conducted very largely on the plan of a regular election. The votes are canvassed by the County Committee. The candidates receiving the largest vote for the various offices are declared nominated.

Each political party in the county decides for itself whether its county officers shall be nominated by conventions or primary elections.

DISTRICT CONVENTIONS.—Since there are thirteen Councilmen, the Territory is divided into thirteen districts with as equal population as possible. The delegates selected by the primaries of each district meet at the time and place agreed upon to name the candidate for the Territorial Council.

Most of the Council districts are composed of two counties.

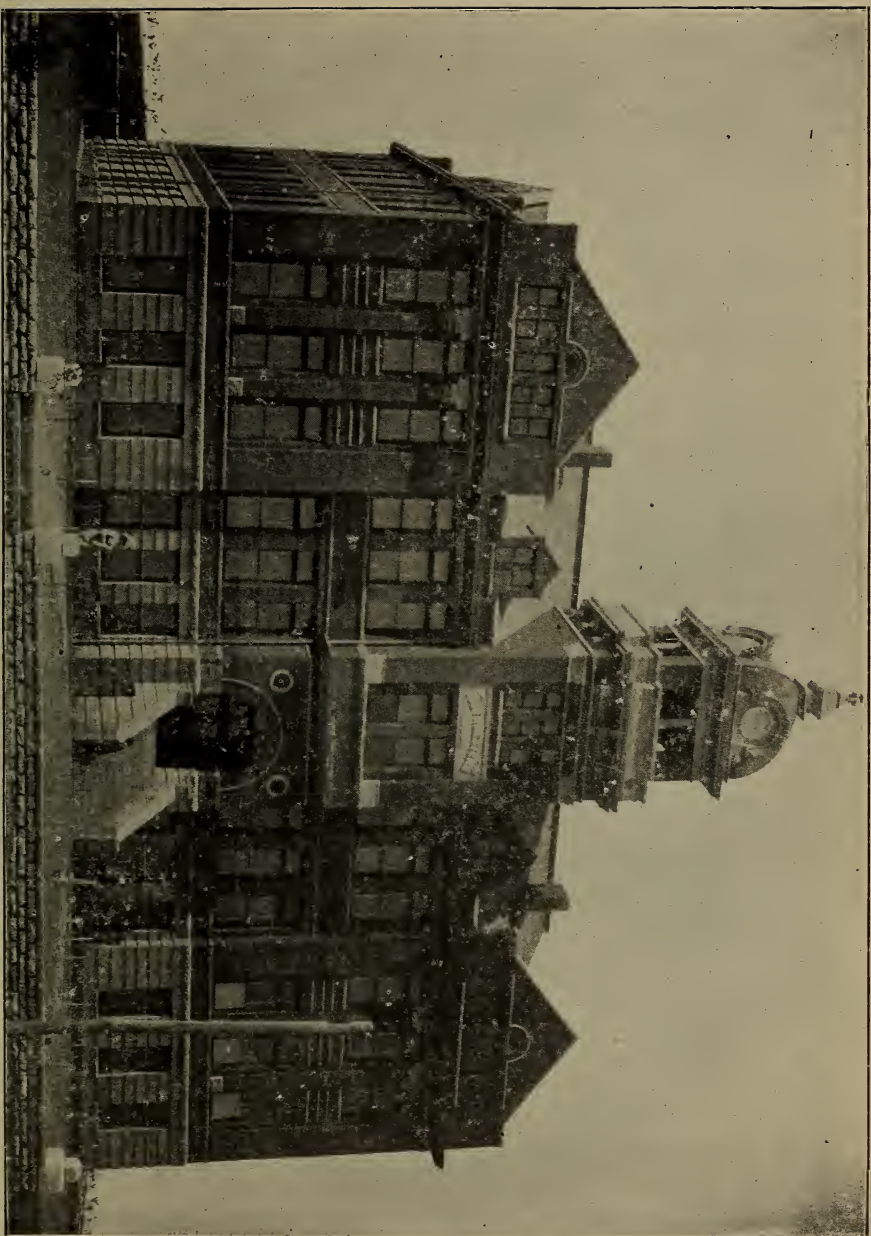
TERRITORIAL CONVENTIONS.—These conventions meet in even numbered years. They are composed of the delegates selected by the counties, or representative districts, each district being entitled to a number of delegates proportionate to its party vote at the last general election. At this convention a party platform is adopted, which sets forth the position of the party on the leading political question in the Territory and nation, and once in two years nominates a delegate to Congress, and once in four years delegates to the national Presidential convention. The Republican and Democratic Territorial conventions each sent six delegates to the Presidential conventions in 1904.

NOMINATION BY PETITION.

It sometimes happens that voters wish to disregard party

lines and place in nomination men who have special qualifications for certain offices. It is often desirable in local elections especially to leave political questions out of consideration entirely, and pick out the best men to manage public affairs. The law provides for nominations in cases of this kind. Qualified voters may place candidates in nomination as follows: The petition must be prepared stating "the name and residence of the candidate, that he is legally qualified to hold such office, and that the subscribers desire and are legally qualified to vote for such candidate." "The signatures of such petition need not be appended to one paper, but no petitioner shall be counted except his residence and post-office address be designated." To nominate a Territorial officer, 500 petitioners are required; to nominate a delegate to congress, 200 petitioners; to nominate a county officer or a member of the general assembly, 25 petitioners; to nominate an officer for any division less than a county, 20 petitioners.

Such petition must be filed with the proper officer in exactly the same manner as certificates of nomination made by conventions of political parties. See the discussion on the topic Election Board of County Commissioners in the next chapter.



THE WEATHERFORD NORMAL.

CHAPTER XII.

ELECTIONS: VOTING.

THE GENERAL ELECTION.—"General elections for the purpose of electing delegates to Congress, members of the Legislative Assembly, and all county, township, and district officers shall be held on the Tuesday succeeding the first Monday in November, 1900, and biennially thereafter."

QUALIFICATIONS OF ELECTORS.—"The term 'qualified electors' within the meaning of this act, shall include the male persons of the age of twenty-one years or upward belonging to either of the following classes, who have resided in the Territory for a period of six months, in the township sixty days and in the voting precinct thirty days next preceding any election.:

First, citizens of the United States; second, persons of foreign birth who "have declared their intentions to become citizens, have sworn to support the constitution of the United States, and have resided in the United States one year before election; third, citizens of Indian descent, not members of any tribe."

VOTING PRECINCTS: ELECTION BOARDS.—The County Commissioners divide the county into voting precincts, containing, as nearly as practicable, two hundred electors. Each elector is allowed to vote only in his own precinct. Two

electors, known as Judges of Election, and the Trustee, known as Inspector, constitute the **Election Board** in each precinct. The two electors represent the two leading political parties and are generally selected and appointed by the township Trustee, but each may be selected by the Chairman of the County Central Committee of his party.

POLL CLERKS.—Two Poll Clerks, or Clerks of Election, one from each of the political parties, are appointed by the Election Board.

Poll books and special forms for election returns, etc., are furnished by the County Clerk.

Each member of the Election Board is under oath to perform his duties as assigned by law, to give no information as to how any person voted, that he has been during the whole year preceding the election a citizen and resident of the township, that he has no bet on the election, and that neither he nor any close relative is a candidate at that election. The Poll Clerk takes an oath of secrecy.

BALLOT BOX.—There are two ballot boxes for each precinct, one red and the other white. The ballots for Territorial officials are printed on red tinted paper and are placed in the red ballot box, while the local ballots are printed on white paper and are placed in the white ballot box. There are two locks of different combinations on each box: one key for each box is kept by the Inspector, and the other keys are kept one by each of the Election Judges representing different political parties. Ordinarily the polls open at eight o'clock in the forenoon and close at four o'clock in the afternoon, excepting in cities and incorporated towns having a population of one thousand or more, where the polls are opened at six in the morning and closed at six in the evening.

TERRITORIAL BOARD OF ELECTION COMMISSION.

ERS.—This board consists of the Governor and two qualified electors, one from each leading political party, appointed by him. From the certificates of nomination of Territorial officers filed with the Governor, this board prepares and distributes ballots and stamps to be used in voting for Territorial officers. To allow this board ample time for its work, nominations must be filed with the Governor not more than sixty days nor less than twenty days before the election.

The Territorial Legislature of 1903 appropriated \$1000 to pay for election supplies for the year 1904, and to pay for publishing the Governor's election proclamation, \$500.

THE COUNTY BOARD OF ELECTION COMMISSIONERS.

ERS.—This board consists of the County Clerk and two qualified electors by him appointed, one from each of the two leading political parties. This board prepares and distributes the county ballots. The law allows no pay for this work.

Candidates are generally placed in nomination by conventions of those parties that cast one per cent or more of the total vote of the Territory at the last general election. These nominations are certified to the county Board of Election Commissioners, not more than sixty days nor less than fifteen days before election, by the Chairman and Secretary of the convention, or of the party committee. A candidate may also be placed in nomination by the required number of petitioners.

Each party can nominate but one candidate for any office.

When any question is to be submitted to the popular vote of the Territory, the Territorial Secretary notifies the various County Clerks of the fact at least thirty days before such election.

THE BALLOTS.—The ballots of all political parties are printed upon exactly the same kind of paper. The Territorial ballots are not distributed by mail. Each County Clerk, or his

deputy, must appear in person at the office of the Governor not more than fourteen days nor less than ten days prior to the general election to receive from the Territorial Board of Election Commissioners the Territorial ballots, which are put up in sealed packages, one package for each precinct, containing about three ballots for each voter. These ballots, together with stamps and ink pads, are furnished at the Territorial expense.

INSPECTORS.—Each Election Inspector, or, if he cannot attend, some other member of the Election Board, goes in person to the office of the County Clerk to get the tickets for his precinct. As a further precaution against the use of illegal ballots, the Election Clerks sign their initials on the back of the ballot at the lower left-hand corner.

CARDS OF INSTRUCTION TO VOTERS.—To assist voters in casting their ballots and also to caution them against violating the law designed to secure secret and independent voting, numerous printed cards of instruction are posted in each polling place.

REGISTRATION IN CITIES OF THE FIRST-CLASS.—In a city of the first class it is the duty of the City Clerk to keep his office open for registration of voters, for 30 days, commencing 40 days before any general or special Territorial or city election. The name, age, ward, and number of residence of each voter are registered. The Election Board of each ward is furnished by the City Clerk with a list of the voters in his ward, that only those who are legally qualified may be allowed to vote.

ELECTION ROOMS.—The County Commissioners provide, at the county expense, an election room for each precinct. In this room the Election Board is inclosed by a railing, and there are at least two booths, each containing a shelf for marking ballots. No election can be held in a saloon. Each voter enters

the election room through a chute fifty feet long. This chute passes the inclosure occupied by the Board of Election. Any voter may be challenged, that is, be required to make affidavit as to his legal right to vote. Each party organization has a right to be represented by a challenger and a poll book holder. The law requires that every laborer or employee be given four hours on election day in which to vote.

MANNER OF VOTING.—After giving his name to the Poll Clerk the voter is handed a Territorial ballot and a local ballot. When necessary, the Judge of Election directs the Clerks to inform the voter as to the manner of voting, or, by the consent of the majority of the board, two men of different political views may be called upon to assist him in voting. A voter is not allowed to remain in the booth more than five minutes. If he unintentionally spoils a ballot, he returns it to the Clerk and gets another one. If he wishes to vote the whole ticket of any particular party, it is necessary simply to place a cross in the square opposite the party emblem. But if he wishes to vote a mixed ticket, that is, for nominees of different political parties, he places a cross in the square opposite the name of each candidate whom he favors. He then folds the ballots separately in such a manner that none of the printing shows, and hands them to the Inspector, who, in view of the whole Election Board, deposits the red ballot in the red ballot box and the white ballot in the white ballot box, while the Poll Clerk writes opposite the voter's name the word "voted."

So strict is the law in its requirements for secrecy, that, if a voter shows any part of his ballot, he loses the right to vote at all. No one is allowed under penalty to take from the election room any ballots or stamps used in marking the same. Only one person is allowed in the election booth at a time, and aside from the election officers only three persons are allowed

in the election room at the same time. It is illegal to hold conversation in the election room, except with the election officers. No electioneering is permissible within fifty feet of the voting place.

COUNTING THE BALLOTS.—The ballots not used are counted, the number recorded, and then they are burned. The election officers then proceed to canvass the ballots cast, that is, to count the votes for the various candidates. The Territorial ballots are counted first, and then the local ballots. Any ballot which has not the initials of the Election Clerks on the back, is not counted. A ballot is considered "mutilated" if the Judges cannot agree as to how it should be voted. A memorandum of the total vote cast for each candidate is kept by each member of the Election Board. Mutilated ballots are sealed up in one paper bag and counted ballots in another. These packages, together with affidavits, poll books, and ballot boxes are returned to the County Clerk, who preserves the ballots for one year, that they may be used in case of a contest over the election.

Severe penalties are pronounced against election frauds of any kind, for violating any of the requirements of the election law, or for trying to induce any one to violate his duty in any way in connection with the election.

It is illegal for any one to mark his ballot in any way so as to give a clew as to how he votes. An effort is thus made to secure independence in voting, and to discourage vote buying.

Township and county elections are conducted in the same manner as the general election. In the case of a town or city election the officers perform the various duties prescribed for the county officers in whose stead they act.

All election days shall be legal holidays throughout the dis-

trict or municipality in which the election is held.

COUNTY CANVASSING BOARD.—The County Clerk and Commissioners constitute the County Canvassing Board. They meet on Friday following the election for the purpose of canvassing the county vote. In case of tie in the election of a county officer the Commissioners decide by lot which of the two candidates is elected. A certificate of election is made out for each county and township officer elected. An abstract of the vote cast for Territorial officers is sent to the Secretary of the Territory.

TERRITORIAL CANVASSING BOARD.—The Territorial Canvassing Board consists of the Governor, Secretary, Auditor, Treasurer, and Attorney General, or any three of them. This board meets on the Monday preceding the last Wednesday of November. In case of tie the board decides the election by lot. A certificate of election is forwarded to each successful candidate. A list of the elected members is presented by the Territorial Secretary to each house at the opening of the Legislative Assembly.

CHAPTER XIII.

MINOR TERRITORIAL OFFICERS AND THEIR DUTIES.

The Adjutant General is appointed and commissioned by the Governor. Under the supervision of the Governor, who is Commander-in-Chief, he has active management of the Oklahoma National Guard, being ex-officio Quartermaster General, Chief of Ordnance, Paymaster General, and Commissary General. His salary is \$1000 a year; allowance for office expenses, \$800; for armory rent, etc., \$1500 a year.

The Bank Commissioner is the executive officer in the enforcement of the banking laws of the Territory, issuing charters to new banks, and examining the financial condition of state banks throughout the Territory from time to time. He is allowed a salary of \$1800 a year; for an assistant, \$1000 a year; and for contingent and traveling expenses not to exceed \$600 per year. See topic Banks in Chapter XVI.

The Game and Fish Warden is empowered to enforce the laws enacted by the Legislature for the protection and preservation of wild game and fish in Oklahoma. He has power to appoint a deputy game and fish warden in each county to assist in the enforcement of game and fish laws. He is paid in fees, \$5 for a prosecution in a Justice Court, \$12.50 for each prosecution in a District Court.

The Territorial Grain Inspector and his deputies inspect and grade grain at various elevators and shipping points

throughout Oklahoma. They receive a fee of 40c per car for inspection. This has tended to improve the quality of the grain raised, proving beneficial to the producer and shipper, and giving Oklahoma wheat a better standing in the great markets. It is optional with the shippers whether or not they have their grain inspected in Oklahoma.

Territorial Geologist.—The Professor of Geology of the University of Oklahoma is the Territorial Geologist. It is his duty to make a geological and scientific survey of the Territory for the purpose of discovering and developing its resources,—“minerals, stones, or natural substances useful in agriculture, manufacture, or the mechanical arts.”

This officer reports biennially to the Governor. His office is at the University of Oklahoma. He also has charge of the Geological Museum. He receives no salary as Territorial Geologist, except \$300 a year for making the geological survey of the Territory.

Territorial Librarian.—This officer is appointed by the Board of Directors of the Territorial Library and receives a salary of \$720 per annum. He is allowed an assistant who receives the same salary. He is responsible for the proper care of the library, the safe keeping of the books; makes purchases and exchanges for new books, etc.

The Secretary of the Live Stock Sanitary Commission is appointed by the Governor to enforce laws designed to prevent the spread of disease among live stock. His salary is \$1200 a year; for the pay of seven quarantine inspectors there is appropriated \$3300; to meet the contingent expenses of these seven inspectors, \$3400. See Live Stock Sanitary Commission in next chapter; also Appendix K.

Inspector of Oils.—The Oil Inspector is appointed for a term of two years by the Governor at a salary of \$1,500 a year.

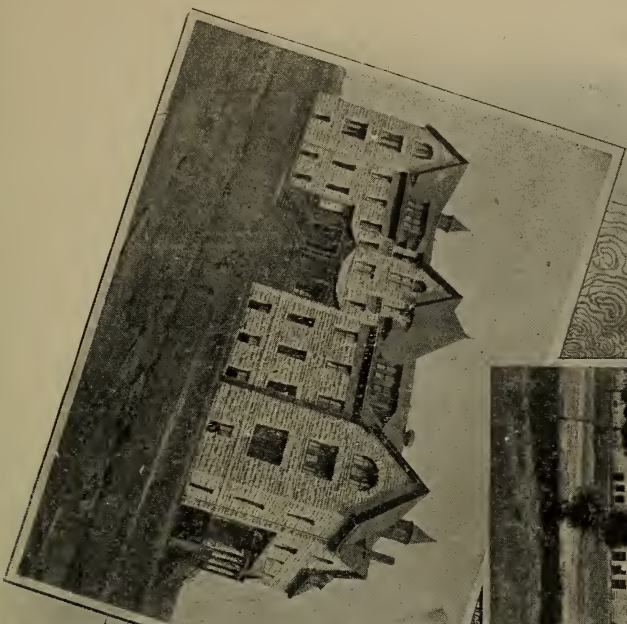
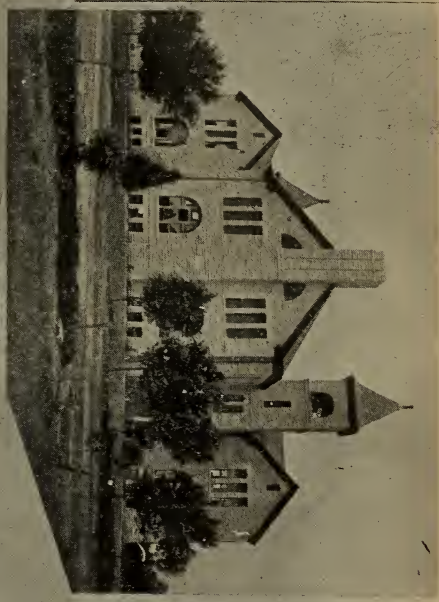
In addition to his salary he is allowed traveling expenses, but such expenses cannot exceed \$600. He may appoint deputies at any points where there are tank stations.

The inspectors examine and test the safety and quality of all oils to be used for "illumination, heating, or power purposes," manufactured or brought into the Territory for sale. The fee for testing ranges from ten cents to fifteen cents per barrel, and is paid by the owner of the oil.

The result of enforcing this law has been to improve the quality of the oil sold in the Territory

The Superintendent of Public Health is one of the board of three physicians appointed by the Governor to execute the laws for the protection of public health and the regulation of the practice of medicine. His salary is \$800 a year, with additional allowances for clerk hire, \$200; for contingent expenses, \$500. See Board of Health in Chapter XIV.

The Secretary of the School Land Board is charged with the care of all records and moneys connected with the leasing of the school lands in Oklahoma. He is under bond. Acting under the supervision of the Board of School Land Commissioners, he is the executive officer of the school land department, perhaps the most important branch of the executive department of the Territory. This officer has several assistants. The clerical work of this department is very great. There are about 8000 leases. As expressed in the Governor's report of 1900, "he has the handling of large sums of money, the executing and recording of thousands of leases, the custody of almost innumerable notes, and the keeping up of a correspondence often reaching hundreds of letters a day."



CHILLOCCO



INDIAN SCHOOL.

CHAPTER XIV.

TERRITORIAL BOARDS AND THEIR DUTIES.

The Territorial Board of Education.—This board is composed of five members,—the Territorial Superintendent, the Presidents of the Edmond Normal and the University, one City Superintendent and one County Superintendent, the latter two appointed by the Governor.

Duties and Powers.—This board grants Territorial certificates and diplomas to teachers, certificates to conductors and instructors of Normal Institutes, and prepares questions for county and city examinations, and prescribes a course of study for the common schools.

This is the Territorial “Advisory Board on all matters pertaining to the educational interests of the Territory.” The members of this board receive no salary, but all necessary expenses are paid. This board meets once a month on an average.

The boards of regents of the various institutions of higher learning in Oklahoma have the general management of their several schools, hiring instructors, providing buildings and equipments, and regulating the courses of study.

The Board of Education for the Normal Schools.—This board consists of the Territorial Superintendent and Treasurer, members ex-officio, and three other members appointed by the Governor and Council. This board has the management of the

three normals of Edmond, Alva, and Weatherford, respectively.

The Board of Regents for the University.—By and with the consent and advice of the Council, the Governor appoints five members to act with himself as a board of control for the Territorial University at Norman.

The Board of Regents for the University Preparatory School consists of the Governor, a member ex-officio, and three other persons appointed by the Governor with the consent of the Council.

The Board of Regents of the Agricultural and Mechanical College at Stillwater is made up in the same manner as the board for the University.

The Board of Regents for the Agricultural and Normal University at Langston is composed of the Territorial Superintendent and Treasurer members ex-officio, and three members appointed by the Governor and Council.

The Board of School Land Commissioners consists of the Governor, Secretary and Superintendent of Public Instruction. There is also a Secretary for this board, whose duties are very important. See preceding chapter.

This board superintends the leasing of school lands, and the distribution of the proceeds among the schools of the Territory. See Chapter XV.

The income from the school land amounts to over \$1000 a day. For further discussion of the subject see Chapter XX.

The Board of Directors of the Territorial Library consists of the Judges of the Supreme Court. It is their duty to manage, supervise, and govern the Territorial Library, making rules for the regulation of the library and appointing a Librarian.

The Territorial Board of Health.—Three legally qualified

and practicing physicians are appointed by the Governor as a Board of Health, whose duty it is to regulate the practice of medicine in the Territory and guard the public health.

This board must hold a meeting every three months, conduct examinations and grant licenses for the practice of medicine, and to establish quarantine regulations, and "condemn and destroy impure and diseased articles of food offered or exposed for sale in the Territory."

Persons practicing medicine without a Territorial license are liable to a fine of from \$50 to \$100, or imprisonment of from 30 days to six months, or both such fine and imprisonment.

The Superintendent of Health receives a regular salary of \$800 a year, and the other two members of the board are paid fees, each receiving \$2.50 for each applicant for license examined, and not to exceed \$100 per annum for traveling expenses.

The Board of Pharmacy.—From a list of ten persons who have had at least ten years' experience in pharmacy and who are recommended by the Territorial Pharmaceutical Association, the Governor appoints a board of three. One is appointed each year for a term of three years. Once in three months they examine persons applying for permits to practice pharmacy, to whom they issue certificates if sufficient competency is shown. It is also their duty to see that the laws regulating the practice of pharmacy are properly enforced throughout the Territory. They are paid \$5 per day for actual services, and, in addition for legitimate expenses.

The Board of Dental Examiners.—There are five members of this board. Only dentists with at least two years' experience are eligible for appointment by the Governor on this board. This board is responsible for the execution of the laws regulating the practice of dentistry in Oklahoma. Every

person examined in dentistry is charged a fee of \$10. Each member of this board is paid at the rate of \$3 per day, and reasonable contingent expenses in addition. Meetings must be held at least once each year.

Live Stock Sanitary Commission.—This board, appointed by the Governor, consists of three members, two of whom must be cattlemen. One of the board is appointed as Secretary. Seven inspectors, one of whom must be a veterinarian, are appointed by the board. It is the duty of this board to protect the live stock of Oklahoma, as far as practicable, from all contagious diseases, by maintaining quarantine lines and enforcing reasonable sanitary rules. The Legislature has established a quarantine line. Roughly speaking, we may say that this line, with slight exceptions, runs along the eastern and southern part of Oklahoma so as to exclude only Pottawatomie, Caddo, Kiowa, and Comanche counties from the rest of Oklahoma. Stock cannot be taken across this line without being inspected. Other temporary quarantine lines may be established at the discretion of the board. Owing to the strenuous exertions of this board diseases among live stock have been pretty well stamped out. See Appendix K.

Territorial Board of Agriculture.—This board consists of six members besides the Governor. These six members are elected for a term of three years by delegates selected by the county institutes. The board organizes by electing a President, a Vice-President, and a Treasurer from its own members, and as Secretary a person who is not a member. The Secretary cooperates with the faculty of the Agricultural and Mechanical College in the preparation of programs for the Farmers' Institutes, and attends the annual meeting of each county institute. The secretary must be a practical farmer and devote his entire time to the duties of his office. His salary is \$1000 a year; and

there is an allowance of \$1800 a year for contingent expenses.

It is the duty of this board to collect and publish information concerning the various lines of agriculture and to have supervision of the Farmers' Institutes. The board organizes each year on the first Monday in July. The annual meeting of the board begins on the second Tuesday in February. Delegates from the county institutes participate at these board meetings in the election of new members of the board.

Members of the board receive \$3 per day for attending to board duties, and three cents mileage. The delegates from the county institutes receive \$2 per day for not more than three days, and three cents mileage for attending Territorial board meetings.

In every county where there is a regularly organized Fair Association, the Commissioners are empowered to appropriate \$500 yearly to be spent in paying premiums for exhibits of agricultural and horticultural products and live stock.

Board of Railroad Assessors.—The Governor, Secretary, and Auditor determine the basis of taxation for the railroads, telephone, and telegraph companies. See chapter on Taxation.

The Board of Canvassers.—The Governor, Secretary, Attorney General, Auditor, and Treasurer constitute the board to canvass the election returns from the various counties. See chapter on Elections.

Board of Equalization.—The Territorial Board of Equalization consists of the Governor, Secretary, and Auditor. This board equalizes the assessments between the various counties of Oklahoma. See chapter on Taxation.

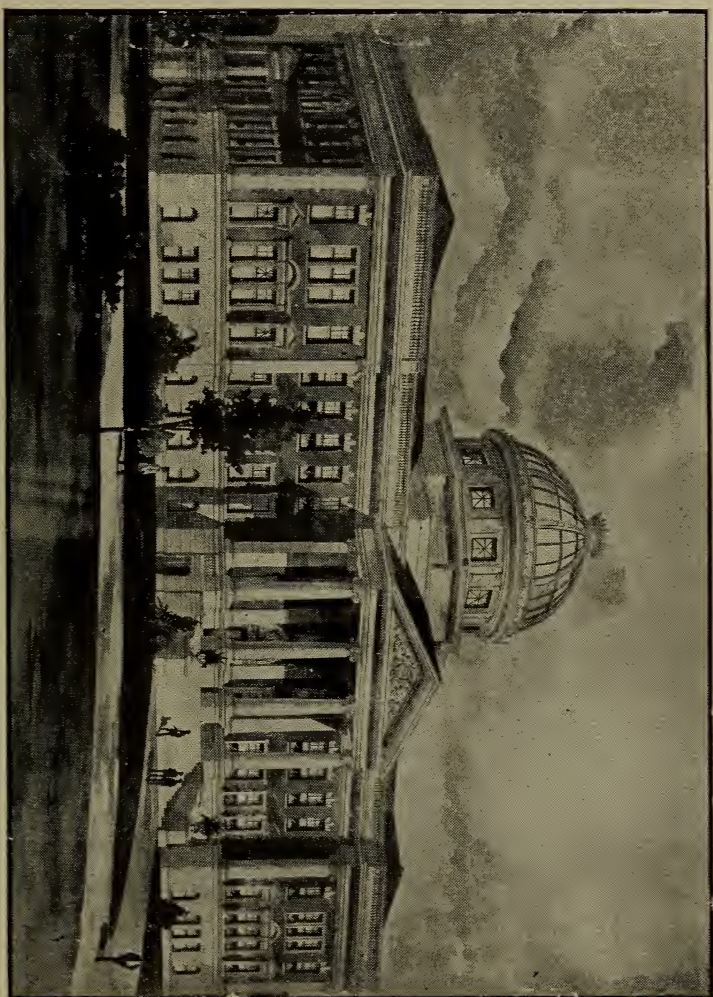
CHAPTER XV.

EDUCATIONAL, CHARITABLE AND PENAL INSTITUTIONS.

There are seven institutions in Oklahoma supported at Territorial expense, namely, The Territorial University at Norman, The University Preparatory School at Tonkawa, The Agricultural and Mechanical College at Stillwater, The Central Normal at Edmond, The Northwestern Normal at Alva, The Southwestern Normal at Weatherford, and The Colored Agricultural and Normal University at Langston.

THE UNIVERSITY.—The Territorial University was established at Norman in 1892. The support fund is about \$40,000 per annum. “The University organization consists of the following schools: College of Arts and Sciences, School of Medicine, School of Mines, School of Fine Arts, School of Pharmacy, and the Preparatory School. This institution is well equipped with seven buildings, a Carnegie library, and laboratories furnished for various lines of special investigation. It has a faculty of 33 specialists. The enrollment for the year ending June 9, 1904, was 467.

THE UNIVERSITY PREPARATORY SCHOOL.—The University Preparatory School opened at Tonkawa Sept. 8, 1902. This school costs the Territory about \$17,000 yearly. Besides preparing for freshman standing in the Territorial University, the school aims to meet the various needs of all classes of sec-



MAIN BUILDING, UNIVERSITY AT NORMAN, OKLA.

ondary students with the following courses: The regular preparatory, commercial, music, oratory and physical culture, art, sub-preparatory, and teachers' review. There is a faculty of 14 teachers chosen with reference to their special fitness. The enrollment for the year ending June 10, 1904, was 401.

THE AGRICULTURAL AND MECHANICAL COLLEGE.

—The Territorial school for agriculture and mechanical arts was located at Stillwater Dec. 25, 1890. The annual income of the school is about \$59,500. The three main courses are general science, agricultural, and mechanical engineering. A popular two years' course in domestic science is given, also. The buildings cost about \$100,000; their equipment for purposes of instruction, about \$80,000. There is a corps of well qualified instructors. The Government maintains an agricultural experiment station at this college, which distributes 20,000 bulletins free to the farmers of Oklahoma and Indian Territory. The enrollment during the year 1903-4 reached 417.

THE CENTRAL NORMAL.—The Central Normal was located at Edmond in 1890. There are two large buildings containing 29 class rooms besides an assembly hall that will seat 800, and numerous laboratories, etc. The support fund amounts to about \$32,000 annually. "The special function of the normal school is to prepare young men and young women for the work of teaching." This result is accomplished by academic work, study of the child and the philosophy of teaching, and practice in the model school. A diploma from this institution is a five-year Territorial certificate for teaching. The faculty consists of 24 members. The enrollment for the year closing June, '03, was 758.

THE NORTHWESTERN NORMAL.—The establishment of the Northwestern Normal at Alva was provided for by the

Legislative Assembly of 1897. The purpose of this school is to instruct "persons in the art of teaching and in all the various branches pertaining to the public schools of Oklahoma Territory." A large and beautiful building, well equipped with library, laboratories, class rooms, and an assembly hall with a seating capacity of 600, furnish accommodations for 24 teachers and between 600 and 700 students. The sum of \$32,000 is spent yearly to maintain this school. Six courses are offered: English, Latin, modern language, commercial, kindergarten, and music. A diploma from one of the first three courses is equivalent to a five-year Territorial certificate.

THE SOUTHWESTERN NORMAL.—The rapid development of the southwestern part of the Territory and their growing educational needs caused the act of the Legislature of 1901 establishing The Southwestern Normal at Weatherford. They have a \$52,000 building. The yearly allowance for the running expenses of this school is about \$19,500. The various lines of work done here correspond quite closely to those of the other two normals. The school started with a faculty of 15 teachers, and the attendance during the first year, 1903-4, was very good.

THE COLORED AGRICULTURAL AND NORMAL UNIVERSITY.—This institution was established at Langston by the Legislature of 1897 to furnish instruction to colored persons in the art of teaching, in the higher branches, in the duties and rights of citizens, and in agricultural, mechanical and industrial arts. There are five buildings,—the main building, the mechanical building, two dormitories, and the President's residence. The library has 900 volumes. The tools, machinery, and equipment are worth \$10,000. This school is furnished by the Territory about \$17,000 a year for running expenses. Attention is given to the mental, moral, and manual training of the students. Besides receiving instruction in agriculture, domestic

economy, machine work, carpentry, and blacksmithing, the students care for their own dormitories and the grounds about the buildings, conduct the laundry, and perform all labor at the boarding departments. The school has 13 teachers. 271 students were enrolled in the year ending June, 1904.

INDIAN SCHOOLS.

THE UNITED STATES INDUSTRIAL SCHOOL AT CHILOCCO.—Some twenty years ago an industrial school for Indians was started at Chilocco. This school is managed by the United States government. It is today the best equipped agricultural school in the Indian service. There are 35 buildings, many of them stone. The subjects taught are the common branches, agriculture, dairying, domestic science, stock raising and poultry raising. This school aims to do for the Indian youth what the agricultural colleges do for the white youth. Thirteen and one-half sections of land belong to the school. Two thousand acres are under plow.

OTHER INDIAN SCHOOLS.—There are 14 Indian boarding schools with a total enrollment of 1577, maintained by the United States government, and eight industrial schools and academies maintained by several religious denominations.

HISTORICAL SOCIETY.

The Oklahoma Historical Society keeps its collections at the Territorial University. It is the object "of the society to collect books, maps, and other papers and materials illustrative of the history of Oklahoma in particular, and the West in general."

Much material is obtained by exchanging with similar societies elsewhere. The work of the society is under the management of a Board of Directors. In 1895 there was appropriated for the use of this society \$2000. The Legislature of 1903

appropriated \$1500 for the use of this society, and provided that, when the Territorial capitol building is completed, "the headquarters of said society shall be located in said capitol building."

TERRITORIAL LIBRARY.

By the Territorial Legislature of 1893, a Territorial Library was located at Guthrie. It is maintained at Territorial expense. This library is controlled by a board consisting of the Judges of the Supreme Court. Though the law declares that "said library shall consist of all law books, miscellaneous books, pamphlets, maps, charts, pictures, documents, and all other literary matter now owned by said Territory, or which shall be hereafter acquired either by purchase, gift, exchange or otherwise," and it was evidently intended that it should be a general library; yet, up to the present time, it has been limited strictly to a law library. Although the library is open to the public daily, except Sundays and holidays, yet only the members of the Legislature, while that body is in session, members of the Supreme Court, officers of the Executive Department of the Territory, and attorneys appearing before the Supreme Court of the Territory, are allowed to take books from the library.

The Librarian gives a bond of \$10,000 and receives a salary of \$720 annually; for salary of deputy, \$720; for contingent expenses of office, \$850; for purchase of books yearly for the library, \$1000.

THE INSANE.

In each county there is a Commission of Insanity consisting of the Probate Judge and two other persons appointed by the County Commissioners,—a physician and a lawyer. This commission examines persons brought before them on a charge of insanity. If adjudged insane the patient is cared for in

private or at a public institution. Upon request being made to the commissioners, they may arrange for the keeping and caring of the insane within the county, but generally the insane of Oklahoma are taken care of at the Territorial expense. The Governor is empowered to contract "for the treatment, care and maintenance" of the Territory's insane. They are kept in a private sanitarium at Norman. On June 30th, 1904, there were 439 inmates at this hospital; the cost of their care for the quarter preceding was \$21,092.65.

The United States gave Oklahoma Fort Supply Military Reservation to be used as a hospital for the insane of Oklahoma. The Legislature of '03 appropriated \$15,000 to be expended in preparing, equipping Fort Supply, and transferring the patients as soon as the place is furnished with railroad facilities. When the new asylum is established at this place it will be under the full charge of a Board of Trustees appointed by the Governor.

PENITENTIARY.

Oklahoma has no penitentiary. Her convicts are kept at Lansing in the Kansas State penitentiary. The Governor of Oklahoma makes a contract with the State of Kansas for their care and maintenance. This costs 40 cents a day for each prisoner. The number of Oklahoma convicts on June 30th, 1904, was 369.

JUVENILE OFFENDERS.

A youth under sixteen years of age guilty of certain felonies is not sent to the penitentiary. At the discretion of the District Judge who tries him the youth may be "allowed his liberty, but must report to the Judge at each term of court and prove to his satisfaction, by witnesses, his good behavior."

DEAF MUTES.

The deaf mutes are taught and cared for at a private institution in Guthrie, the Territory paying therefor at the rate of \$275 a year for each scholar. June 30th, 1904, there were 69 inmates in this institution.

CHAPTER XVI.

MISCELLANEOUS.

JURIES.

The Grand Jury.—The grand jury in Oklahoma consists of from twelve to sixteen men. This jury makes preliminary investigations into charges or complaints concerning violations of the law. Witnesses against the accused are examined in secret. The county prosecuting attorney is present to assist in this inquiry. If twelve jurors consider that the evidence is sufficient, an indictment is made out against the accused and the case is brought before the trial, or petit jury; otherwise the matter is dismissed.

The Petit Jury.—In all the higher courts the petit jury consists of twelve men, and in the justices' courts of six men. When the unqualified term "jury" is used we always understand a petit jury of twelve men.

This is the jury before whom the case is actually tried. They hear the testimony on both sides and then give their decision, but the whole twelve must agree before a verdict can be rendered. One man can "hang a jury," that is, prevent a unanimous agreement and make a new trial before another jury necessary. If the jury renders a verdict "not guilty," the accused is dismissed. If the verdict is "guilty," then the judge pronounces the penalty upon the accused.

SELECTION OF JURORS.—At each general election 350

names of persons eligible as jurors in the county are selected by the judges of election. Each precinct sends its proportionate number to the county clerk.

Qualifications.—In general, any legal voter is competent to serve as juror. But several classes of persons are disqualified for this service: Any one who has been engaged in a contest within the five years previous can not act as grand or petit juror in any case of perjury to secure title to land from the United States. Neither can the following persons be jurors: Judges or clerks of the supreme or district courts, sheriffs, coroners, practicing attorneys, liquor dealers, drunkards, jailors, persons with disabling infirmities, or any one guilty of felony.

The following are exempt, and need not serve if they object: Persons over sixty years of age, ministers, probate judges, county commissioners, registers of deeds, practicing physicians, teachers in public schools, postmasters, mail carriers, members in good standing in any regularly organized fire company, members of the national guard and pharmacists.

Impaneling the Jury.—The names of the 350 persons qualified to act as jurors sent in by the election judges are written on separate slips of paper by the county clerk and locked in the "jury box." Within thirty days before the opening of the district court the names are drawn from this box to make up the grand and petit juries. The drawing is conducted by the clerk of the court,—the clerk of the court, the sheriff or one of his deputies, and the county clerk drawing by turns. The names first drawn constitute the grand jury, and the following the petit jury. Whenever necessary during a session of court a petit jury is drawn in the same manner.

The Summons.—The sheriff, deputy sheriff, or coroner may summons the jurors to appear at the proper time and place

of holding court. A failure to obey a summons is contempt of court and punishable by a fine of from \$5 to \$20; a second contempt subjects one to imprisonment also.

Pay of Jurors.—District court jurors are paid out of the county funds two dollars per day, and five cents mileage for every mile necessarily traveled in going to and returning from the place of court.

A coroner's jury are paid one dollar and fifty cents each; probate or justice jury, fifty cents each, out of the public funds.

Juries for Probate and Justice of the Peace Courts.

For numbers, qualifications, and selections of juries for Probate and Justice of the Peace Courts, see chapter on Probate Judge, and paragraph on Justice of the Peace in chapter on Cities, Towns and Villages.

BANKS.

STATE BANKS.—A state bank may be organized by three or more persons with a capital of \$10,000 in a town of less than 2500 inhabitants; the amount of capital for towns of greater population increases up to \$25,000 in cities of 10,000 or more inhabitants.

To insure a safe and reliable system of banking, a Bank Commissioner is appointed by the Governor to enforce the banking laws of the Territory. The Bank Commissioner makes a careful examination of the financial condition of every new banking organization before issuing a charter. All state banks are examined yearly by this officer, and if any are found using unsafe banking methods, or violating the laws, he can order them to put their affairs on a safe legal basis or go out of business.

Liability of Stockholders.—Each stockholder is additionally liable for the amount of stock he owns in the bank.

Reserve Fund.—The amount of deposits to be kept on re-

serve varies from 20 per cent of their entire deposits in cities of less than 2500, to 25 per cent in cities of more than 2500 inhabitants, one-half of which reserve must be in actual cash. But the actual average reserve of the banks as reported in 1903 was considerably above this per cent, being for national banks 30 per cent, and for Territorial banks 52 per cent.

Limiting Amount Borrowed.—A bank can not legally borrow an amount greater than 20 per cent of its actual paid up capital and surplus.

Paying Overdrafts.—The bank official, or employe, of a bank becomes personally liable if he pays a check of a person or corporation having no money on deposit in said bank.

Reports.—Banks are required to report four times a year, and oftener if requested, to the Bank Commissioner of the Territory.

Creating a Surplus.—Each time the profits are divided 10 per cent of the net earnings since the last dividend was declared, is added to the surplus fund until the surplus equals 50 per cent of the capital stock.

There were 232 state banks in 1903.

NATIONAL BANKS.—National banks may be organized in Oklahoma on practically the same terms as in a state. These banks may also take out charters as state banks. A national bank, besides performing all the functions of a state bank, issues one kind of paper money. These banks are examined twice a year by a United States bank inspector.

There were 79 national banks in Oklahoma in 1903.

In 1903 the per capita deposit for the people of Oklahoma, estimating the population at 600,000, was \$34.

THE MILITIA.

All able bodied male citizens of the United States between

the ages of eighteen and forty-five, with few exceptions, constitute the unorganized militia. This body of men is subject to military duty at the call of the President, to put down insurrection or rebellion, or to enforce the laws. Only three times in our history has the militia been called into service by the President.

In the various states and territories are voluntary organizations of the militia known as the **National Guard**. In the organization of the Oklahoma National Guard provisions are made for infantry, cavalry, and battery companies, and for hospital, engineer and signal corps. The seventeen companies numbered 945 men on June 20th, 1903.

It is an advantage to the Nation as well as the states and territories to have these militia organizations. It is thus unnecessary for the United States to maintain so large a standing army; for, should war break out suddenly, the national guard of the country could furnish 100,000 men, equipped, disciplined, and ready for active service on very short notice. And, in case of insurrection or riot within a state or territory, the governor can summons his national guard to the seat of disturbance in a few hours. Thus very properly the national government defrays a large part of the expenses of these organizations, and the states supply the remainder.

The national guard is equipped by the United States government, and is allowed to make requisitions on the War Department for equipment and supplies amounting to something over \$7,000 annually. And the Territorial legislature makes a small appropriation for the running expenses of each company, a total of \$3,500 per annum.

Each company is required to engage in rifle practice, and to drill at least twice each month. Promotions in office are

made upon superior merit, shown in examinations.

Every year the national guard go into camp for at least six days, when daily drill and strict army discipline give the boys a taste of real soldier life. The Territory has provided for \$4,000, or what part thereof is necessary, to be spent yearly in defraying the expenses of these encampments. The national government pays the remaining expenses, and also pays the troops for their time.

When serving at the call of the governor, each guardsman is paid at the rate of two dollars per day.

The Governor is ex-officio commander-in-chief of the national guard and commissions all its officers. Subject to the directions of the Governor, the Adjutant General has active command of the various departments of the militia, and charge of the armory, equipment, stores, etc.

NOTARIES PUBLIC.

When certain important papers, such as deeds, mortgages, etc., are to be signed, it is very necessary to take all possible precaution to secure a genuine signature. Such papers are signed in the presence of an officer, known as a Notary Public, who attaches a certificate stating that he is acquainted with the party signing, and that his signature is his free and voluntary act. The notary impresses his seal upon the paper as a guarantee of the genuineness of his certificate. The notary keeps a record of all his official acts. And a copy of any of them may be had by paying a small fee.

Notaries may also administer oaths, collect drafts and notes, and protest same for non-payment.

A fee is charged for each official act.

A notary usually has time to carry on some other line of business in connection with his notarial work, such as the law,

insurance or real estate.

The Governor appoints and commissions at least one notary public, and as many more as are needed, in each county, who hold office for four years.

ABSTRACTS.

It is of the highest importance to know the exact conditions of the title of the land one is about to purchase. The seller may not have received a good title to the land when he bought it, or he may have failed to pay the taxes, or he may have placed a mortgage on it, or allowed liens or judgments for debts to be entered against it. These claims against land are said to "cloud the title;" they are a burden on the property and are generally called encumbrances, for they continue as charges against the real estate for many years, or until they are paid.

An ordinary purchaser might be able to examine the records at the county seat and determine whether the title is clear or not, but there are so many different records to be examined, and the records are so technical and complex, the real estate law is so involved, that it is better to trust the work of examining a real estate title to one skilled in that business. One who is legally authorized to do this kind of work is called an **abstractor**, and his brief history of the transfers and incumbrances is called an **abstract**.

In Oklahoma an abstractor must give a bond of \$5,000. He has free access to the county records, but he must pledge himself to take proper care in the use of the county records; and while making abstracts, to avoid hindering the county officers in the discharge of their duties; and pay all damages that may accrue to any person by reason of any incompleteness or error in any abstract furnished by him.

FEES.—The law allows him the following fees for his

services: For the first entry or transfer, 75 cents; for each subsequent entry or transfer, 25 cents; for each certificate relating to names, taxes, or mechanic's liens, 15 cents; for each certificate as to judgment, which may constitute a lien, 35 cents.

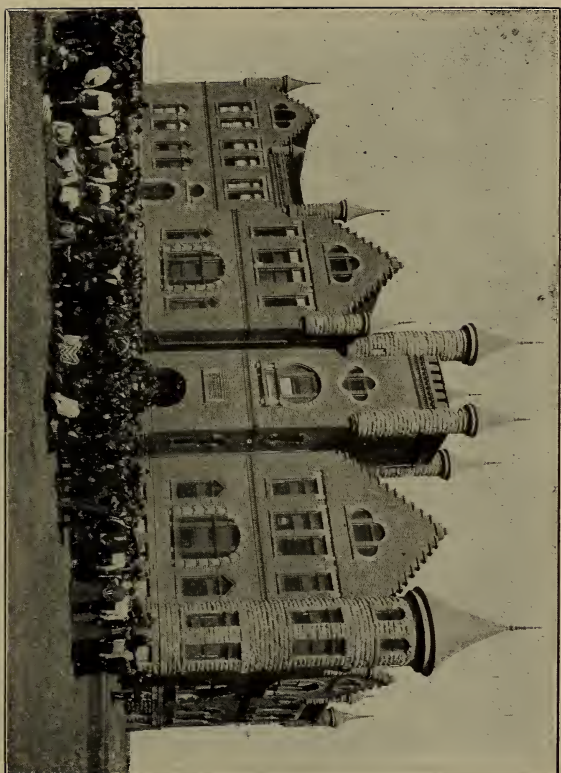
LEGAL INTEREST.

When interest is payable on private contracts and no rate is mentioned, the law fixes the rate at 7 per cent per annum.

The highest contract rate that can be collected by law is 12 per cent per annum. A rate above 12 per cent per annum is usurious, and if the interest is not paid, none of it can be collected, and, if the interest has been paid, all above 12 per cent can be recovered by the debtor.

It is an accepted custom among business men to allow banks to take more than the rate of 12 per cent per annum for short time loans. But this interest, called bank discount, is taken out at the time the loan is made and is not mentioned in the note. If the note is not paid when due, however, it can not draw more than 12 per cent per annum.

Territorial and school warrants draw 6 per cent interest. If the warrant is not presented for payment within 30 days after it is called in, interest ceases to accrue on the warrant.



LIBRARY HALL, AGRICULTURAL COLLEGE AT
STILLWATER.

CHAPTER XVII.

TAXATION.

INTRODUCTION.—It is the duty of every citizen to do all in his power to maintain a strong, wise, and just government. We should do what we are able to bring about the enactment of wise laws, to defend public morals, and to encourage officers in the enforcement of laws and the performance of their various duties; and in times of public danger we are under obligations as patriotic citizens to offer our physical strength, and even give up our lives, if need be, to protect our country from invasions, or our government from destruction; and it is equally our duty to assist in defraying the running expenses of our government in times of peace.

It costs money to run the government, for there are the officers who devote their time to the management of public affairs and who must be supported, and there are many public works to be constructed and maintained in order to promote the general welfare of the people.

In time of war expenses are enormous, sometimes amounting to over \$1,000,000 per day. The money necessary to meet all these expenses is raised by taxation. It is designed to so distribute the burden of taxation that it will be least felt by the people.

The importance of the power of taxation is shown by the fact, that in the enumeration of the powers of congress in the

Constitution of the United States this is the first mentioned. The government of the United States has been supported almost entirely by indirect taxation; over \$500,000,000 a year are thus raised. These indirect taxes are customs or internal revenues. Customs are taxes levied on goods brought into this country and are added to the price of the goods when put on the market. Internal revenues are taxes placed on the manufacture and sale of certain commodities within our country, as tobacco, patent medicines and liquors. This is also added to the cost of producing the article for market, so that the consumer, without being aware of it, pays it as a part of the price of the article. People are less likely to complain about taxes that they pay in this way.

The local governments of the United States,—state, county, township, and city,—are supported almost entirely by direct taxation, that is, by taxes levied on property at a certain per cent of its value. Each man is supposed to contribute in taxes an amount proportionate to the amount of property he owns. Thus, if a man owns \$10,000 worth of property he is supposed to pay twice as much tax as his neighbor who owns only \$5,000 worth of property.

As Mr. J. H. Canfield expresses it, the government is simply the agent of the people, and an agent whose necessary expenses must be paid by the people.

It is generally admitted that there are four rules that control all wise taxation:

1. Citizens should pay taxes in proportion to their ability to pay.

2. The taxes which each must pay should be determined by some fixed rule which applies to all, and should not be arbitrary; and the time of payment, the manner of payment, the

amount to be paid should be perfectly clear and plain to the one who pays and to every one else.

3. The taxes should become due, as nearly as possible, at the time and in the manner in which it will most likely be convenient for the great mass of citizens to pay.

4. The taxes should be so raised as to insure the least cost of collection; it should be collected as short a time as possible before really needed; and there should be very little surplus.

The largest part of our tax is to maintain our local government; for instance, the total territorial levy for 1904 was only 6.25 mills; the Kay county levy was 10 mills; while the township and town levy for Tonkawa was 22 mills; and for Blackwell, 29 mills.

But as the local government really does the most for us, it is perfectly proper that it should raise the largest tax.

There is a disposition on the part of some to avoid the burden of taxation, but such would do well to heed the remarks of Mr. J. H. Canfield, who says, "He who withholds his share of the tax, by any means, throws an unjust burden on his neighbors, and is guilty of a great social wrong. He robs every other person in the community."

WHAT PROPERTY TO BE ASSESSED.—Generally speaking, all property, personal and real, including moneys, notes, credits, stocks and bonds, are subject to taxation. But the property which belongs to a body politic, as the United States, the Territory, a county, a township or municipality, and all public educational, benevolent, and religious institutions and their equipment, family portraits, food and fuel for the family for one year's time, are exempt from taxation, and also a certain number of persons,—thirty, in towns of more than 500 inhabitants, and fifteen in towns of fewer inhabitants,

—are exempt from poll tax if they are members in good standing of some regularly organized fire company.

“All taxable property, real and personal, shall be listed and assessed each year in the name of the owner thereof on the first day of March of each year, as soon as practicable on or after the first Monday in March.” See Assessor in chapter on Township.

The valuation of bank stock, railroad, telephone, and telegraph property is listed on the first day of February.

Territorial Board of Railroad Assessors.—The governor, secretary, and auditor of the Territory constitute the board of railroad assessors. This board meets annually in the office of the auditor on the first Monday in March to assess the property of all railroads in the Territory. This board may disregard the valuation submitted by the officials of the various railroads and proceed to make their own valuation for assessments. To each city, township, and school district in the Territory is reported, through the county clerk, the valuation of the railroad property therein, that it may be entered on the assessment rolls.

On or before the first Monday in May annually the township assessors deliver their assessment rolls to the county clerk.

BOARDS OF EQUALIZATION.

THE TOWNSHIP BOARD OF EQUALIZATION.—This board consists of the township assessor, township clerk, and the township treasurer. This board equalizes assessments between individuals in the township.

BOARD OF EQUALIZATION FOR CITIES, TOWNS AND VILLAGES.—The assessor, mayor or president of the board of trustees, and the clerk compose the board of equalization for a city, town or village. The township and city

boards of equalization "shall meet on the third Monday in April of each year to hear all complaints of persons who feel aggrieved by their assessments, and the decision of said board shall be final as to individual assessments."

COUNTY BOARD OF EQUALIZATION.—The board of county commissioners constitute the board of county equalization. On the first Monday in June of each year they meet for the purpose of equalizing the assessments between the towns and cities of the county.

TERRITORIAL BOARD OF EQUALIZATION.—This board consists of the governor, auditor, and secretary of the Territory. For the purpose of equalizing the rate of assessment between the counties of the Territory, they meet on the third Monday in June of each year. At this meeting this board determines the amount of territorial tax to be levied for the current year.

RATE OF TAXATION AND LEVY.

TERRITORIAL.—The Territorial levy is made by the Territorial board of equalization. (Law of 1903.) The general Territorial tax may vary from $\frac{1}{2}$ mill to 3 mills on the dollar; and in addition a sufficient levy is required to raise for the support of the Territorial institutions the following amounts: For each, the Central and Alva Normals, \$25,000; for each, the University Preparatory School and the Agricultural and Mechanical College, \$12,000; for the Territorial University, \$30,000; for the Colored Agricultural and Normal University, \$10,000; for the Southwest Normal, \$12,500; for the School for the Deaf and Dumb, \$18,000.

The law requires that any amount thus raised in excess of the actual needs of these institutions ~~shall be returned~~ to the Territorial treasurer and credited to the general school fund

of the Territory. The estimated amount of the required revenue is raised ten per cent to cover loss by delinquent taxes.

The rate of Territorial levy is reported to the clerk of each county, where it is added in with the county and local levies. See Appendix J.

COUNTY LEVY.—The board of county commissioners at their regular meeting in July assess the amount of tax levy necessary to pay the running expenses of the county during the ensuing year.

The county levy shall contain: A sufficient levy for payment of salaries; for court expenses not over three mills; for the support of the poor and insane, not over two mills; for roads and bridges **in general**, not over six mills; for **special** bridge tax not over four mills; for county supplies, not over three mills; for contingent fund, not over three mills (the last item includes all expenses not included in any of the above); to pay bonded indebtedness, a rate sufficient to pay one year's interest and provide a sinking fund for the payment of the principal when due.

In no case can a special tax exceed ten mills on the dollar of the county valuation in one year. This rate may be levied for construction or repair of court house, jail, or other necessary buildings, and such levy cannot continue more than five years.

POLL TAX.—Every able bodied person in the township between the ages of twenty-one and fifty years is required to pay to the road overseer of his district a poll tax of \$1, or perform work equivalent thereto. Members of the National Guard are not liable for poll tax.

Limit of Indebtedness.—Any division of the Territory,—county, township, town, or city,—cannot contract debts to an amount in the aggregate exceeding 4 per cent of the valuation of the property. **Exceptions:** In municipal corporations

of 1,000 or more inhabitants, a special election may authorize indebtedness in excess of 4 per cent of the property valuation "for sanitary and health purposes, construction of sewers, water works, and the improvement of the streets."

CITY, TOWN OR VILLAGE LEVY.—See paragraph on Raising Revenue in chapter on Cities of the First Class, and paragraph on Board of Trustees: Powers and Duties, in chapter on Cities, Towns and Villages.

All taxes, except a few special local taxes, are collected by the county treasurer, and the portion which each municipality is entitled to use for local purposes is turned over by the county treasurer to the treasurer of that municipality.

TAXES:WHEN DUE.—With reference to the public revenue the year begins the first day of July and ends the last day of June. This is known as the fiscal year.

The first half of the taxes for the current fiscal year are due the fifteenth of December, and the second half on the fifteenth of the following June.

DELINQUENT TAXES.—If the first installment of taxes be not paid by the third Monday in January all unpaid taxes become delinquent, and draw 18 per cent interest until paid.

TAXES BECOME A LIEN ON REAL ESTATE.—All unpaid taxes, personal or real, become, until paid, a permanent lien on the real estate of the one owing such taxes. If such property be sold, the lien remains in force on the property.

SALE OF PERSONAL PROPERTY FOR TAXES.—If, on the second Monday in March, the taxes on personal property remain unpaid, the treasurer orders the county sheriff to collect the taxes by sale of the property as in the case of an execution.

SALE OF REAL ESTATE FOR TAXES.—If the taxes on real estate for the previous fiscal year are not paid by the third

Monday in October, the treasurer advertises and sells such real estate for the taxes and costs. The property is sold to the lowest bidder. He is considered the lowest bidder who agrees to pay the delinquent taxes and costs and accept in return therefor the smallest portion of said land. A certificate of tax sale is given to the purchaser.

REDEMPTION.—Land sold for taxes may be redeemed any time within two years by payment to the county treasurer, for the use of the purchaser, the sum mentioned in his tax certificate and all other taxes subsequently paid, together with interest on all such payments at the rate of 25 per cent per annum.

TAX DEED.—If the land is not redeemed within two years the purchaser may, after giving the owner sixty days notice, exchange his certificate for a deed which vests in him the ownership in fee simple; that is, the most complete ownership in land one can have. No action can be brought to invalidate this deed after it has been on record one year.

CHAPTER XVIII.

LAND SURVEYS.

INTRODUCTION.—The system of surveys used in the original thirteen states is very complex. The triangle is the basis of the system; and natural objects, such as trees, rocks, mountains, bodies of water, etc., are used extensively in locating corners and determining boundary lines. As a consequence, farms in these states are often very irregular pieces of ground, and townships and counties have meandering boundary lines. But when the territory northwest of the Ohio, known as The Northwest Territory, was surveyed for settlement, a new system, at the suggestion of Thomas Jefferson, was adopted by the United States. This system consists in dividing the country into squares six miles each way by lines “square with the world,” and these squares are known as **congressional townships**. These townships, in turn, are divided into thirty-six squares, called sections, by two sets of six lines running at right angles to each other, each square containing 360 acres. But this piece of land is too large for an ordinary individual, so these sections are divided into quarters containing 90 acres each,—the standard size of a farm sold or donated under the Homestead Act to the private citizen by the government.

The land in Oklahoma is embraced in two surveys, Beaver county being included in one survey and the rest of Oklahoma

in the other. Use the large map in studying this chapter.

THE BASE LINE.—We will describe the survey of the main part of Oklahoma first. To begin with an **initial point** was selected. Through this point the **base line** was carefully surveyed east and west. This line is one mile south of Old Fort Arbuckle, Indian Territory, forms the southern boundary of Kiowa county, and is 94 miles south of Guthrie. This line is used as a base, or starting point, for surveying lines both north and south, hence its name, Base line. There is but one base line for all surveys in Indian Territory and for all of Oklahoma except Beaver county.

THE INDIAN MERIDIAN.—Then a north and south line was run with the greatest possible care, through the center of Old Fort Arbuckle. This is called the Indian Meridian. It is a true meridian and would reach the North Pole if sufficiently extended. This line passes through Cleveland, Oklahoma, and Logan counties, six miles from their eastern borders. This meridian is used in starting east and west surveys.

RANGE LINES.—Now we come back to the Base Line and measure off points just six miles apart towards the west, beginning at the Initial Point, that is, where the Base Line and the Indian Meridian cross each other. From the point just six miles west of the Indian Meridian a line is run due north 24 miles; from the point just twelve miles west of the Indian Meridian another line is run due north 24 miles; and so on, to the western border of Oklahoma. Similar lines, six miles apart, are surveyed on the east of the Indian Meridian, also. These lines are called Range Lines, and the strips six miles wide parallel to the Indian Meridian are called Ranges. These Ranges are numbered, beginning with those next to the Indian Meridian (I. M.). The first one west is Range (R.) 1, W.; the second one

west is R. 2 W.; etc. The first one east of the I. M. is R. 1 E.; the second one east is R. 2 E.; etc.

Counting the ranges east along the 5th Standard Parallel, we find that Oklahoma extends about two miles into Range 10, making the most easterly point in Oklahoma in Pawnee county 56 miles east of the Indian Meridian. On the west between the Indian Meridian and the Texas line there are 26 ranges. But range 26 is only four miles wide, making the Texas line at this point 154 miles from the Indian Meridian, or from the most easterly point in Pawnee county to the Texas line 210 miles. And there is Beaver county yet to reckon with. This county is 167 miles long, giving us a total length for Oklahoma east and west of 377 miles.

TOWNSHIP LINES.—Parallel to the Base Line are surveyed "township lines" six miles apart and dividing the ranges into six-mile squares, that is, **congressional townships**. The congressional township serves a double purpose: It is the basis for the civil township, and the basis for description in locating land.

Starting at the Base line and going northward we have Township Number One North (T. 1, N.); then comes T. 2, N.; and so on, north to the Kansas line. The most northerly township in Oklahoma is number 29. This is not a full township, however, being only about four miles wide, making the north boundary line of Oklahoma 168 miles from the Base Line. Counting south of the Base Line we find T. 6, S. to be the most southerly one; but this is a fractional township, being only about four miles wide, making the most southerly point in Oklahoma 34 miles south of the Base Line. Therefore, the total distance across Oklahoma north and south is 202 miles.

CORRECTION LINES.—All true meridians pass through

the North Pole. Range lines, then, though six miles apart at the starting point, draw nearer together as they are extended northward. On the north edge of the township these lines are something over two rods nearer together than on the south edge. Continuing these range lines north four townships, they would be about ten rods nearer together than at the Base line. If these were continued clear across Oklahoma, the northern townships would be much narrower than the southern townships. To correct this convergence of the range lines, "correction lines" are established every twenty-four miles. These correction lines are parallel to the Base Line and are called "Standard Parallels," being numbered toward the north, as 1st Standard Parallel N., 2nd Standard Parallel N., etc. The 7th Standard Parallel N. is about four miles from the Kansas line. The 1st Standard Parallel S. is within four miles of the most southern point in Oklahoma.

Along these correction lines, beginning at the I. M., the distances are carefully measured for the purpose of starting the surveys of the range lines northward again, exactly six miles apart. By reference to the map it will be noticed that there are jogs in the range lines at these points, the townships just south of the standard parallel being a little narrower than the townships just north of it.

Townships.—The first United States survey gives the townships. But a township contains 36,000 acres, much more than the ordinary purchaser can buy. Other surveys are necessary to divide the township into lots convenient for settlers. These mark the township into 36 sections, each one mile square, containing 360 acres. These section lines are drawn in the same order as the range and township lines, that is, beginning at the corner of the township nearest the Initial Point, one mile

south of Old Fort Arbuckle. But owing to the convergence of the meridians, the sections in the northwest part of each township contain something less than 640 acres. The sections of the township are numbered as indicated in Diagram No. 1.

T. 27 N., R. 1 W.

1 mi.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Fig. 1.

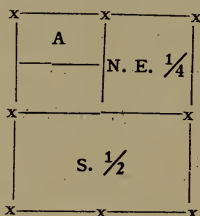
The way Sections are numbered in a Township.

By reference to the large map you will find the city of Blackwell is located in this township; that it is 156 miles north of the Base Line, and immediately west of the Indian Meridian.

Locating Land.—The location of a piece of land can be easily determined if its distance from two intersecting straight lines is known. We have just described the network of intersecting straight lines established by the United States survey. We will now see how the exact location of any given piece of land may be found.

When the section lines are run, every half-mile point is marked. This is as far as the United States survey extends. The private citizen may employ the county surveyor to establish other line or corners, connecting the half-mile points and dividing the sections into quarters of 160 acres each. See

Diagram No. 2 for description of various divisions of a section of land.



The largest piece of land indicated here would be described as follows: S. $\frac{1}{2}$ Sec. 1, T. 27 N, R. 1 W., I. M.; the quarter section: N.E. $\frac{1}{4}$ Sec. 1, T. 27 N., R. 1 W., I. M.; the 40-acre tract, marked A: N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 1, T. 27 N., R. 1 W., I. M. Stars indicate points marked by U. S. survey.

Beaver County Survey.—In the survey of Beaver county the Initial Point is the southwest corner, the southern boundary of the county being the Base Line and the western boundary, known as the Cimarron Meridian, is the Principal Meridian. Four townships north of the Base Line is the Standard Parallel. This is the only correction line in Beaver county. Beaver county is five townships and a fraction wide, $34\frac{1}{2}$ miles. Four townships, 24 miles east of the Cimarron Meridian, is the 1st Auxiliary Meridian East; 24 miles farther east is the 2nd Auxiliary Meridian east; etc. There are six such meridians in Beaver county.

CHAPTER XIX.

BURNING QUESTIONS IN OKLAHOMA.

THE SCHOOL LAND QUESTION.

Statehood, and the disposition of school lands are the two great questions in Oklahoma today. Broadly speaking, we may say, statehood is a question that will be settled by congress, but the school land question must be settled by the people of Oklahoma themselves. What shall be done with the vast endowments of public land in Oklahoma? Shall they be sold, the proceeds invested and the interest derived therefrom applied to the support of our schools? or shall the public ownership of these lands be retained and the income from leasing them be used in maintaining our school system? To sell, or not to sell the school lands, that is the question. A brief synopsis of the arguments on both sides will be given here.

Mr. G. A. Smith, arguing for

The Sale of School Lands,

gives a good statement of one side of the question. Only an outline of his argument can be given here :

Our Public Lands.—Our public land endowment in Oklahoma at present is 2,055,896.72 acres, of which 1,203,420.98 acres belong to the Common School Fund. In some counties the proportional area is 1-16, or two sections (16 and 36) to each township. In most of the counties it is 1-9 and comprises sections 16, 36, 13, 33. In other counties containing indemnity

lands the percentage is still greater. In Lincoln county almost 1-5 of the real estate is school land.

In the Cherokee Strip section 13 was reserved for "University, agricultural college, and Normal School purposes," and section 33 for "public buildings." In Kiowa and Wichita reservations sections 13 and 33 were jointly reserved for "university, college, normal schools and public buildings." "In Greer county 13 and 33 were reserved for such purposes as the legislature of the future state of Oklahoma may prescribe. Thus it may be seen that the most of our public lands are for educational purposes and are generally spoken of as school land."

At present these lands belong to the United States and Oklahoma will acquire no title to them until congress disposes of same by means of an Enabling Act, or Statehood Bill.

The present plan of leasing the school lands is unsatisfactory for the following reasons:

1. The arbitrary school land board.—The board of school land commissioners,—the governor, secretary, and superintendent of public instruction,—have arbitrary legislative, executive, and judicial powers in handling real estate whose estimated value is \$20,000,000, and which affects the material prosperity of 40,000 people residing upon school lands. Such exercise of arbitrary power is contrary to the principles of a republican form of government. The lessees have not proper recourse in case of unjust appraisements,—they are not properly protected in their rights. For financial reasons they are compelled to abide by the decisions of the board, however unjust they may be.

2. Unusual Tenantry.—Unlike the ordinary tenant, school land lessees have made their own improvements, erecting buildings and fences, clearing and breaking, digging wells and plant-

ing out orchards, etc. Seventy-five per cent of the lessees make their homes upon the leases. They are worthy citizens and have assisted in developing the country, and have done their share to improve the value of land in Oklahoma.

3. The lessee settled upon and improved the school land with the expectation of being allowed to buy it on a long-time payment plan. These lands would have been much better improved were it not for the agitation against their sale.

4. **The Proposed Plan to Sell the Lands.**—The land and improvements are to be appraised. The lessee is to have the preference right to purchase. If some one else buys the land he must pay the lessee the appraised value of the improvements. The time of payment should be from 40 to 50 years with interest at a rate equal to the income on rented land in the older states, that is about 4 per cent.

5. One's actual ownership of his home tends to make him a better citizen. A permanent system of tenantry would attract an undesirable class of citizens.

6. Government tenantry is worse than private. Under a system of government tenantry the tenant has no hope of ever owning the land as a home, while under a system of private tenantry he may be stimulated by such hope.

7. Under state ownership the land will depreciate in value, consequently the income will grow less and less. This is the natural result of the tenant system, for the renter seeks to get all he possibly can from the land at the least possible expenditure of labor and money. The land becomes exhausted and the improvements are allowed to run down. The present good condition of leases is due to the exertions of the lessees to make homes for themselves. The permanent lease system would take away this incentive.

8. The management of school lands would be involved in

politics; political debts would be paid by appointment on the leasing board. The chance to run up the expenses of this board under the protection of the law affords an excellent opportunity for graft. The expenses of this department during the fiscal year ending June 30th, 1903, were \$26,000.

9. The school lands are non-taxable. To raise the required revenue in a given locality, taxes on other property must be higher than would be required if the school lands were sold and became private property.

10. School lands being non-taxable makes the burden of taxation unequal throughout the Territory. Much of the lease money is taken from the country districts and given to the cities, as the money is apportioned according to the school population. This inequality exists between different school districts, different counties, and different sections of the future state to be composed of Oklahoma and Indian Territory.

11. The proceeds derived from the sale of the school land would not be squandered, because Oklahoma statesmen, profiting by the experiences of other states, would take the greatest precautions to prevent the loss of the money. The money should be invested in our state, county, township, and school district bonds and loaned to the farmers on first mortgage real estate security.

12. Estimating the value of the school lands at \$20,000,000, the taxable valuation would be about \$7,000,000. Suppose the rate of taxation to be 5 per cent of this value, the revenue derived from the taxation of the school lands would be \$350,000. Such counties as Lincoln, Kay, Grant, and Garfield lose more taxes every year by the present leasing system than they derive as their share of the school land fund. Besides the taxes they would have their apportionment of the interest derived from the sale of the lands, which it is maintained, would be more

than the rentals now realized.

The argument in favor of

State Ownership of School Lands

is very ably given by Professor Frederick S. Elder of the University of Oklahoma. In this work we shall be able to give only the salient points of his address.

The experiences of Ohio, Indiana, Illinois, Michigan, Wisconsin, Kansas and Nebraska show the wisdom of state ownership of school lands. The money derived from the sale of school lands in Ohio, Illinois, Missouri, and a part of that of Kansas and Nebraska was borrowed by the state, the interest on which is paid by the citizens in the form of taxes and applied to the support of the schools. "So far as the present and all future generations are concerned the burden is no lighter than it would have been without a grant of land. Missouri has \$4,300,000 invested (?) in this way." The effect in this case was merely temporary financial relief, and a comparatively slight relief to the state as a whole, but quite a boon to the individual purchasers of the school land.

"Repeated losses of these funds have occurred by embezzlement, bad legislation, and fraudulent or unwise investment, while the income has steadily suffered by the decline of interest rates from 12 per cent to 4 per cent."

Nebraska in 1897 lost \$335,878.08 by embezzlement, and again in 1902, \$60,000 by the same process. The failing of depository banks in the summer of 1891 caused the loss of several hundred thousand dollars of the school fund of Texas. Kansas lost a hundred thousand dollars of her school fund at a single clip in the early '80's by a bad piece of legislation.

A safe and permanent investment even at as low a rate as 4 per cent is far from being possible. Since 1886 Nebraska's uninvested cash balance has never been less than \$244,000,

and since 1890 it has not been less than \$487,000. At times it was over half a million dollars.

The lands can not be embezzled, neither will they lie idle.

If the lands were sold the \$20,000,000 would need to be wisely invested, but "a loan fund whose purpose of existence is to produce a sure and adequate revenue could not be successfully managed by a legislature."

"With the growth of wealth and population, interest rates tend steadily down and land values and rentals tend steadily up."

The secretary of the school land board said in 1901 that the income from the school lands could be doubled without injustice to the lessees. For the fiscal year ending June 30, 1904, the income was \$366,643.29.

In reply to point 1 in the previous argument, Professor Elder gives the following facts: The percentage of tenant farms from 1880 to 1890 increased in every agricultural state except Kentucky, Missouri and Virginia. The increase was greatest in Kansas, where it was from 16.35 per cent to 28.23 per cent. For the entire United States the increase was from 25.56 to 28.37 per cent. This is the result of the working of economic principles. "And yet the plan I propose would place in the state tenant system but 8 per cent of the land of Oklahoma."

In reply to point 5 in the previous argument, that patriotism depends to a great extent upon home ownership, Professor Elder asks some pertinent questions. In case it were necessary to raise an army, would a recruiting office be opened first on Fifth avenue, New York, with the expectation of immediately enlisting as volunteers the 3.71 per cent of New York who owned their homes free of mortgage (and probably owned the homes and mortgages of the other 96.29 per cent) headed by

the Astors, Goulds, Vanderbilts, who have homes worth a million each? The answer is self-evident.

In all the states the per cent of those not owning the homes they occupy range from 20 to 70 per cent. Will it be maintained that their degree of patriotism and good citizenship ranges in the same ratio?

State ownership of land is, just to the degree that it extends, a safeguard against private landlordism which tends to develop more and more as a country grows older.

To remedy the unequal burden of taxation resultant upon the present system of leasing we would "secure a constitutional provision and have a certain fair proportion of the proceeds from each school section returned for local purposes to the township or school district in which that section lies." "Here is a point on which the cities must play fair with the country," and the districts containing indemnity school lands must be treated fairly. This policy would insure a local interest in the proper care and management of school lands.

The fact that many lessees pay less in rent than their neighbors pay in taxes is not an argument for the sale of the school lands, but rather shows there should be a change in the management of school land affairs. Private lands do not only pay taxes but an interest on the money value of the farm besides. The school lands are as profitable as the private lands adjoining.

The advocates of sale claim that the land could be sold for \$15,000,000, and this amount invested at 5 or 6 per cent would bring in from \$900,000 to \$1,000,000 yearly, or three times the present rental.

1st. This amount would not be received, for, because of the organization and activity of the lessees, and the indifference of the rest of the people, serious competition would not

enter into the plan of sale.

2nd. Whatever fund is received would never increase in value, while the lands would advance in value.

3rd. Such a large fund could not be loaned on good security at such a high rate.

4th. First class investments, like United States bonds, are apt to be at a premium and draw a very low rate of interest, perhaps no more than 2 per cent.

5th. The funds would likely be used by the state for other than school purposes, and then the interest on this loan (?) would have to be raised by taxation.

6th. Loss is pretty sure to result from the management of such a large sum of money.

7th. Investment in land is the most secure. Bonds are liable to become worthless. The objections to sale on the 30 year payment plan are: Payments received from time to time would have to be invested at lower and lower rates of interest. For thirty years we would receive less than the rental on the land and at the end of that period we would have a fund less than the value of the land.

A long lease policy, say a period of twenty-five years, would give the tenant such a sense of security that he would make improvements and keep up the fertility of the land, etc., as though it were his own. There would be contentment and stability. "Orchards will be planted, wells dug, homes and barns and fences built."

The chance to take part in handling large sums of money is always a great temptation to political corruption.

"In case later years prove that the leasing policy is really a mistake it will be possible then to sell the lands."

STATEHOOD.

It is safe to assume that Indian and Oklahoma Territories must come in as a single state in 1906: That is the sentiment of the United States as a whole, and that is the attitude of Congress and the present administration. It may be worth while, then, first, to call attention briefly to the work necessary to prepare Indian Territory for that union ; second, to consider some of the advantages of such union ; and third, to give a brief outline of the pending Statehood Bill, which will probably pass in a modified form.

**PREPARING INDIAN TERRITORY FOR STATEHOOD—
THE DAWES COMMISSION.**

General View of Commission's Work.—The work has consisted of two parts; and, broadly speaking, each part has consumed half of the time of the Commission's existence.

For the first five years—namely, from 1893, the year the Commission was created, until 1898, when the Curtis Act was passed—this body was clothed with only negotiating power, except a limited function under the act of June 10, 1896, relating to determination of citizenship rights.

The object of Congress from the beginning has been the dissolution of the tribal governments, the extinguishment of the communal or tribal title to the land, the vesting of possession and title in severalty among citizens of the tribes, and the assimilation of the peoples and institutions of this territory to our prevailing American standard.

It was evident at the end of the first five years that the accomplishment of the foregoing object by negotiation alone was practically impossible. The Indians (so called, for most

of them by a century and a quarter of intermarriage have far more Saxon than Indian blood) would never surrender by consent what they did not want to give up at all. The Commission, as then constituted, was able to bring to the discussion neither inducements nor force. Some of the tribal members held passionately to their institutions from custom and patriotism, and others held with equal tenacity because of the advantages and privileges they enjoyed. It was almost worth a man's life at that time to advocate a change.

Under these conditions Congress was in 1898 fairly confronted with the alternative of either abandoning its policy and abolishing the Commission, or else of converting the Commission from merely a negotiating body into an executive and semi-judicial body, and of proceeding with the work under the constitutional power of Congress, and largely, at least, regardless of the will of the tribes.

A strenuous effort was made to prevent the adoption of the latter course. But in what may be deemed a fortunate hour it was decided not to act without giving a chance to the special representatives of the government to be heard, both in their own defense and with respect to what course should be adopted. This led to such a revelation of slander, corruption, and oppression that Congress immediately passed the Curtis Act, and it has been followed by prompt appropriations for its execution, amounting to nearly \$1,000,000.

That act undertook, not to let anybody and everybody come forward and take public land, but to administer upon five great estates, aggregating 20,000,000 acres. It ordered these estates to be partitioned among the individual heirs upon the principle of equal value; and it could hardly have done less, and at our expense, under the stipulations of treaties.

Nor was it a disposition of wild lands, or of lands of uni-

form value. It related to vast tracts, covered by the homes and other improvements of a great population, threaded in every direction with railroads, filled with villages and large towns of the most modern character, and without a wigwam or a blanket Indian within the limits of the Territory.

It was a vast and difficult undertaking: First, to determine who were the bona fide citizens or heirs entitled to inherit these properties; and second, to take an inventory of the properties to be divided.

When these two tasks had been performed as to any tribe then only was it possible to begin the intelligent and equitable division of its estate.

In determining the heirs, the Commission has heard and passed upon the individual application of more than 200,000 claimants; and of this number some 128,000 have been so disposed of since the passage of the Curtis Act. All of these cases had to be made matters of record, many of them involving hundreds and some of them thousands of pages of evidence and pleading; and of the total number more than half have been rejected as not entitled to share in the properties of the tribes.

In valuing the properties for distribution, every 40 acres has had to be located, classed and platted, making some 500,000 separate items of property to be so treated; and it has been necessary to locate by careful surveys the homes and improvements of the people upon many millions of acres in order to get their correct land numbers and thus enable them to secure the land they wish and retain possession of their homes as required by law. They had settled and lived for nearly three-quarters of a century with no regard for survey lines, and with no records such as we have in the States and the other territories.

All this had to be done, and all this and much more has

been done since the 28th of June, 1898. At times the Commission has had in its employ as many as 500 clerks, surveyors, surveyors' assistants, land appraisers, teamsters, and laborers engaged in the work outlined and in the platting, roll making, and other work incident to such an undertaking.

The work of determining the rightful citizens and getting the properties into necessary shape for distribution,—by far the greater part of the work to be done,—has been practically finished and a very large part of the final distribution has been made, all at a cost, including even the expense of the first five years of fruitless negotiation, of about 5 cents per acre.

The same interests are opposed to the completion of this business that were opposed to its being commenced, and as the end draws near they pursue with redoubled energy the same tactics of obstruction, fault finding, exaggeration, slander, and all manner of false statements, in order to confuse the situation, muddy the waters, and embarrass, hinder, and prevent the conclusion of the work. The entire work of making allotments in the Territory will probably be disposed of by June 30, 1905.

THE ADVANTAGES OF SINGLE STATEHOOD.

The advantages of single statehood may be briefly summarized somewhat as follows:

1. The combined area of Indian and Oklahoma Territories is necessary to give us anything like the average size of the western states.

2. The natural resources of the two territories complement each other. Oklahoma is agricultural, while Indian Territory is richly endowed with mineral wealth.

3. The expenses of state government will be less.

4. The boundary line will be more symmetrical.

5. The fraternal and religious organizations of the two territories are already closely united. Single statehood would profit by this condition and tend to make the bond of union still stronger.

6. Business organizations of the two territories are bound together by mutual interests.

7. Single statehood insures a state which will quickly take high rank in the Nation.

THE HAMILTON STATEHOOD BILL—A BRIEF OUTLINE.

Sec. 1. The Hamilton Statehood Bill provides for the admission of Indian Territory and Oklahoma as a single state under the name of Oklahoma. The authority of the United States over the Indians is not changed by this bill.

Sec. 2. All male persons over twenty-one years of age, citizens of the United States and residents of the Territory six months preceding the election, can vote in the choice of delegates to the constitutional convention and are eligible to serve as delegates.

The constitutional convention shall be composed of 110 delegates, 60 from Oklahoma and 50 from Indian Territory. The governor, the chief justice, and the secretary of the territory of Oklahoma shall divide the territory (including the Osage Indian Reservation) into delegate districts with as nearly equal population as possible, and one delegate shall be elected from each district. In the Indian Territory the delegate districts are determined by the judges of the United States Court. By the governor in Oklahoma and by the senior judge in the Indian Territory, proclamation is issued ordering the election of delegates within six months after the approval of the Statehood Bill. The judges of the United States courts in the Indian Territory are to define the election precincts,

appoint election judges, and make the final canvass of the votes. The election in Oklahoma is to be conducted in the same manner as the general election, provided for by the present statutes.

The capital is to remain at Guthrie until 1910, after which date the capital may be permanently fixed by the majority vote of the state. The constitutional convention is to assemble at Guthrie on the fifth Tuesday after the delegates are elected.

Sec. 3. (1) The state government must be republican in form; (2) There must be perfect religious toleration, but polygamy is prohibited; (3) Unappropriated public lands and Indian lands remain under the control of the United States; (4) The property of residents and non-residents must be taxed equally; (5) United States property is exempt from taxation; (6) The territorial debts must be assumed by the new state; (7) Free public schools must be conducted in English and opened to all children of the state; (8) The right of suffrage can not be restricted save by uniform restrictions on account of illiteracy, minority, sex, conviction of felony, mental condition or residence.

Sec. 4. The constitutional convention is to provide for the new constitution being submitted to the vote of the people. The canvassing board of such vote is to consist of the secretary and chief justice of the Territory of Oklahoma and the chief justice of Indian Territory. The returns of such vote if favorable to the proposed constitution, shall be certified by the governor of Oklahoma and the chief justice of Indian Territory to the President of the United States. If the previous provisions of this Act shall have been complied with, the President, within twenty days from the receipt of such certificate, shall "issue his proclamation announcing the result of

said election; and thereupon the proposed State of Oklahoma shall be deemed admitted by Congress into the Union, under and by virtue of this Act, on equal footing with the original States from and after the fourth day of March, 1906."

Sec. 5. The sum of \$75,000 is appropriated for defraying the expenses of said election and convention.

Sec. 6. The State of Oklahoma shall be entitled to five national representatives to be elected from the districts as shown in accompanying map. The national representatives and all state officers provided for in the new constitution "shall be elected on the same day of the election for ratification or rejection of the constitution," and until such officers qualify the territorial officers shall continue to discharge the duties of their respective offices.

Sec. 7. Sections 16 and 36 in the territory of Oklahoma are reserved for the support of the common schools. \$5,000,000 is appropriated out of the national treasury for the common schools "in lieu of sections 16 and 36, and other lands of the Indian Territory." This amount is to be invested as a permanent school fund, the interest only being available for school purposes.

Sec. 8. The income from section 13 is granted 1-3 to the University, 1-3 to the Agricultural College, and the remaining 1-3 to the three Normals. Section 33 "shall be apportioned and disposed of as the legislature of said state may prescribe."

Sec. 9. Sections 16 and 36 may be appraised and sold according to rules laid down by the legislature of the state, "preference right to purchase being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund the interest of which only shall be expended for the support of such schools. But such lands may, under such regulations as the legislature may prescribe be leased for pe-

riods not exceeding five years."

Sec. 10. Sections 13 and 33 may be sold under the same provisions as prescribed above for the sale of sections 16 and 36, excepting that if the lease holder does not become the purchaser he is to receive a fair compensation for his improvements.

Sec. 11. Five per cent of the proceeds from the sale of public lands within the state shall become a part of the permanent common school fund of the state.

Sec. 12. 200,000 acres of land is granted to the University; 150,000 acres to the University Preparatory School; 250,000 to the Agricultural and Mechanical College; 100,000 acres to the Colored Agricultural and Normal University; 350,000 acres to the three Normal Schools.

Sec. 13. Certain restrictions upon the sale of land by the Indians are removed.

Sec. 14. There shall be two judicial districts, Indian Territory constituting the east district and Oklahoma the west district. For the time being the circuit and district courts in the eastern district shall be held at Muscogee, and in the western district at Guthrie.

These districts shall be attached to the Eighth United States Judicial Circuit.

In each district one judge, one United States attorney, and one United States marshal shall be appointed. There shall be two regular terms of court, beginning the first Monday in January and the first Monday in June of each year.

The remainder of the bill applying to the new state of Oklahoma provides for the establishment here of the United States judicial system as it exists in other states.

CHAPTER XX.

APPENDIX.

A

First Class Cities—(School Census 1903).

Alva	2,771	Lawton	7,320
Anadarko	3,540	Newkirk	3,430
Blackwell	3,440	Norman	3,015
Chandler	3,320	Oklahoma City	24,267
Edmond	2,645	Perry	3,618
El Reno	9,400	Pond Creek	2,625
Enid	9,000	Ponca	6,585
Guthrie	20,277	Stillwater	3,284
Geary	4,944	Shawnee	10,522
Hobart	4,520	Tecumseh	2,586
Kingfisher	3,200	Weatherford	3,250

B

Tax Levy For City of Blackwell.

Street and bridge fund.....	2	Mills
Fire and water fund.....	5	"
Contingent and supply fund.....	1	"
Street lighting fund.....	5	"
Salary fund	1	"
Park fund	2	"
Sinking fund	5	"
Judgment fund	2	"
Principal and interest on script fund.....	2	"
Principal and interest on bonds fund.....	5	"

C

Population of Counties (Enumeration of 1902).

County	County Seat	Population
Beaver	Beaver	3,169
Blaine	Watonga	15,189
Caddo	Anadarko	25,639
Canadian	El Reno	15,200

TABLES.

200

Cleveland	Norman	17,253
Comanche	Lawton	25,509
Custer	Arapahoe	16,127
Day	Grand	4,966
Dewey	Taloga	11,358
Garfield	Enid	23,732
Grant	Rond Creek	19,096
Greer	Mangum	29,771
Kay	Newkirk	22,766
Kingfisher	Kingfisher	19,594
Kiowa	Hobart	22,685
Lincoln	Chandler	28,904
Logan	Guthrie	27,519
Noble	Perry	12,028
Oklahoma	Oklahoma City	32,761
Pawnee	Pawnee	13,327
Payne	Stillwater	22,084
Pottawatomie	Tecumseh	39,054
Roger Mills	Cheyenne	10,407
Washita	Cordell	19,880
Woods	Alva	46,303
Woodward	Woodward	17,163

Total 541,483

Indian Population.

Pawnees	638
Osages	1,850
Kaws	220
Poncas	610
Otoes	370
Tonkawas	50
Sac and Fox.....	492
Iowas	92
Pottawatomies	1,686
Shawnees	687
Kickapoos	247
Cheyennes and Arapahoes	1,300
Apaches	158
Kiowas	1,170
Comanches	1,401
Wichitas	433
Caddos	534

Total 11,938
Population of Oklahoma, including Indians..... 553,421

D

Levy for Kay County.

Notice of the estimate of the necessary expense for the fiscal

year ending June 30th, 1905, made by the board of county commissioners of Kay county on July 7th, 1904, with the amount of revenue necessary to be raised for each fund and the rate levy necessary to raise such estimated revenue with 25 per cent added thereto as allowance for delinquent taxes on an assessed valuation of 4,200,000 dollars.

Salary fund.....	3	mills will raise	\$12,600
Court fund	2	" " "	8,400
Road and bridge fund.....	5	" " "	21,000
Supply fund.....	1	" " "	4,200
Poor and insane fund.....	1	" " "	4,200
Contingent fund	1	" " "	4,200
County school fund.....	1	" " "	4,200
Separate school fund.....	1	" " "	4,200
Sinking fund	$\frac{1}{2}$	" " "	2,100
Jail fund	2	" " "	8,400
Totals	17 $\frac{1}{2}$	"	73,500

The board will meet at the office of the county clerk in Newkirk, O. T., on the 3rd Friday of July, 1904, for the purpose of making levies for the fiscal year ending June 30th, 1905.

The board further finds, from the returns of the assessors, the population to be 22,781, and we adopt such finding as a basis for the purpose of fixing the amount of salary to be paid to the county Treasurer, County Clerk, Probate Judge, Sheriff, Register of Deeds, County Attorney, County Superintendent and County Commissioners, for the ensuing two years.

E

Weights and Measures.

	Lbs. in Bu.		Lbs. in Bu.
Barley	48	Oats	32
Beans	60	Onions	52
Buckwheat	42	Potatoes, Irish.....	60
Beets	60	Potatoes, sweet	46
Broom corn seed.....	30	Peas	60
Corn, shelled	56	Rye	56
Corn in the ear.....	70	Salt	80
Clover seed	60	Turnips	70
Coal	80	Timothy seed	42
Flax seed	56	Wheat	60
Lime	80		

F

List of Territorial Officers.

Governor	Thompson B. Ferguson
Secretary	William Grimes
United States Attorney	Horace Speed
United States Marshal	William D. Fossett

Attorney General	P. C. Simmons
Treasurer	C. W. Rambo
Superintendent and ex-officio Auditor.....	L. W. Baxter
Secretary of School Land Board.....	Fred L. Wenner
Oil Inspector	F. A. Ashton
Bank Commissioner	Paul F. Cooper
Librarian	J. W. Foose
Adjutant General	E. P. Burlingame
Grain Inspector	C. M. Jackman
Game Warden	J. C. Clark
Superintendent of Public Health	E. E. Cowdrick
Geologist	A. H. Van Vleet
Secretary of Live Stock Sanitary Commission.....	Thomas Morris
Territorial Delegate in the House of Repre- sentatives	Bird S. McGuire

G

Supreme and District Judges.

As the Supreme Court, the following Judges sit in a body.

The District Courts are held by the Supreme Judges sitting separately, as follows:

Districts	Counties	Judges
First District....	Logan, Lincoln, Payne	John H. Burford
Second District...	Canadian, Kingfisher, Cleve- land, Washita, Custer....	Clinton Irwin
Third District....	Oklahoma, Pottawatomie....	B. F. Burwell
Fourth District...	Noble, Kay, Pawnee, Osage Nation	Bayard T. Hainer
Fifth District....	Garfield, Grant, Blaine.....	James K. Beauchamp
Sixth District....	Woods, Woodward, Beaver, Day, Dewey.....	J. L. Pancoast
Seventh District..	Caddo, Comanche, Kiowa, Greer	Frank E. Gillette

H and I

NATIONAL OFFICERS AND SALARIES.

President's Cabinet.

Offices	Officers	Salaries
President	Theodore Roosevelt.....	\$50,000
Vice President	Vacant	8,000
Secretary of State	John Hay	8,000
Secretary of War	William Taft.....	8,000
Secretary of the Treasury.....	Leslie M. Shaw.....	8,000
Attorney General	Wm. H. Moody.....	8,000
Postmaster General.....	Henry C. Payne.....	8,000
Secretary of Navy.....	Paul Morton	8,000
Secretary of Interior.....	Ethan Allen Hitchcock....	8,000
Secretary of Agriculture.....	James Wilson	8,000
Secretary of Commerce and Labor.....	Victor H. Metcalf.....	8,000

Justices of the Supreme Court of the United States.

Circuit	Justice	State	Appointed	Salary
First...	Oliver Wendell Holmes....	Massachusetts	1902	\$12,500
Second...	Rufus W. Peckham.....	New York	1895	12,500
Third...	William R. Day	Ohio	1903	12,500
Fourth...	Ch. Jus. Melville W. Fuller.	Illinois	1888	13,000
Fifth...	Edward D. White.....	Louisiana	1894	12,500
Sixth...	John M. Harlan.....	Kentucky	1877	12,500
Seventh...	Henry B. Brown.....	Michigan	1890	12,500
Eighth...	David J. Brewer.....	Kansas	1889	12,500
Ninth...	Joseph McKenna	California	1898	12,500

Senate.

President pro tempore, William P. Frye, of Maine.....	Salary	\$8,000
Number of Senators, 90.....	Salary	5,000

House of Representatives.

Speaker, Joseph G. Cannon, of Illinois.....	Salary	\$8,000
Salary of members		5,000

In the 58th (the present) Congress there are 386 members in the House of Representatives. There are delegates from four territories: Arizona, New Mexico, Oklahoma and Hawaii, and a resident commissioner from Porto Rico.

Members of Congress are allowed mileage at 20 cents per mile going to and returning from the capital.

Army.

Lieutenant General and Chief of Staff, Adna R. Chaffee,	Salary	\$11,000
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Navy.

Admiral, George Dewey, (retired).....	Salary	\$13,500
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Salaries of Other United States Officers.

Major General	\$7,500
Brigadier General	5,500
Colonel, \$3,500; increasing with years to.....	4,500
Rear Admirals, first nine, \$7,500; second nine.....	5,500
Captains	3,500
Ambassadors to Great Britain, France, Germany, Russia, and Mexico	17,500

J

The territorial levies for taxes of 1904, showing the apportionment in mills as follows:

	Mills
General territorial tax.....	3
The University at Norman.....	4
University equipment fund	34
University Preparatory School at Tonkawa.....	175
The Normal School at Edmond.....	34
Edmond Normal Building fund.....	275

TABLES.

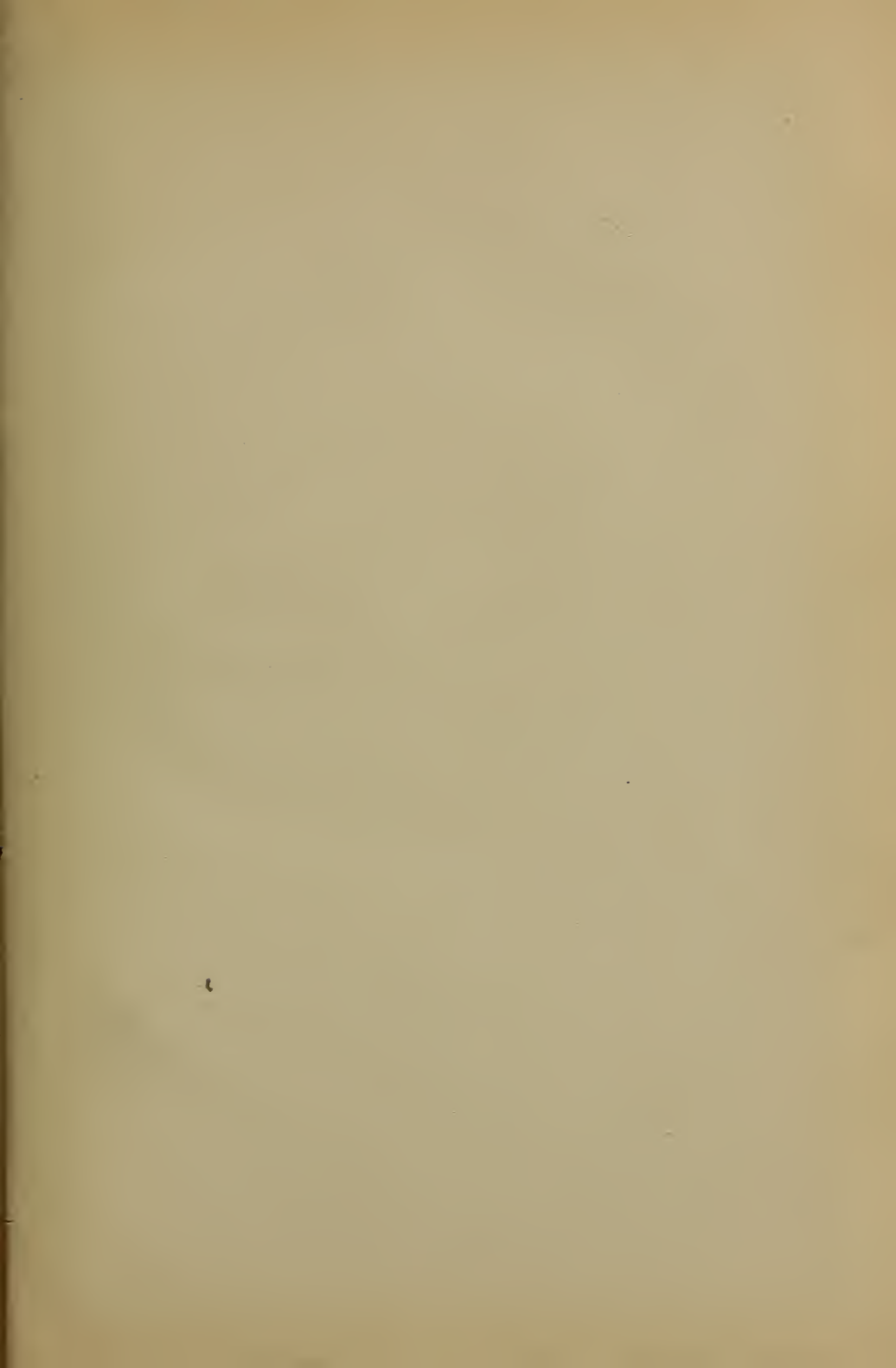
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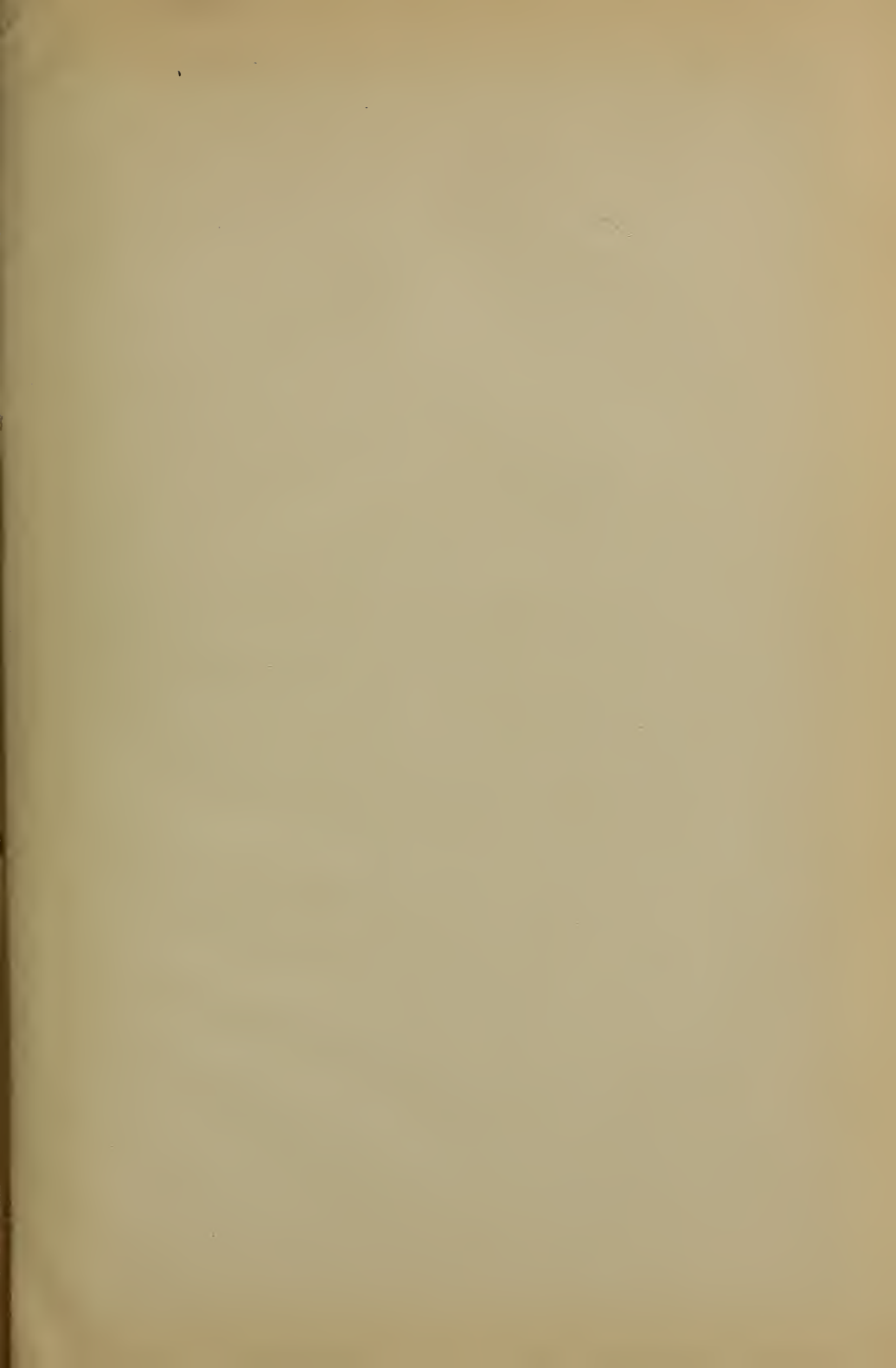
Normal School at Alva.....	.34
Liquidation of indebtedness on Alva Normal Building.....	.25
The Southwestern Normal at Weatherford.....	.18
Support of the Agricultural and Mechanical College at Stillwater.	.175
The Colored Agricultural and Normal University at Langston....	.15
School for the Deaf and Dumb.....	.125
Total levy, 1904.....	5.75

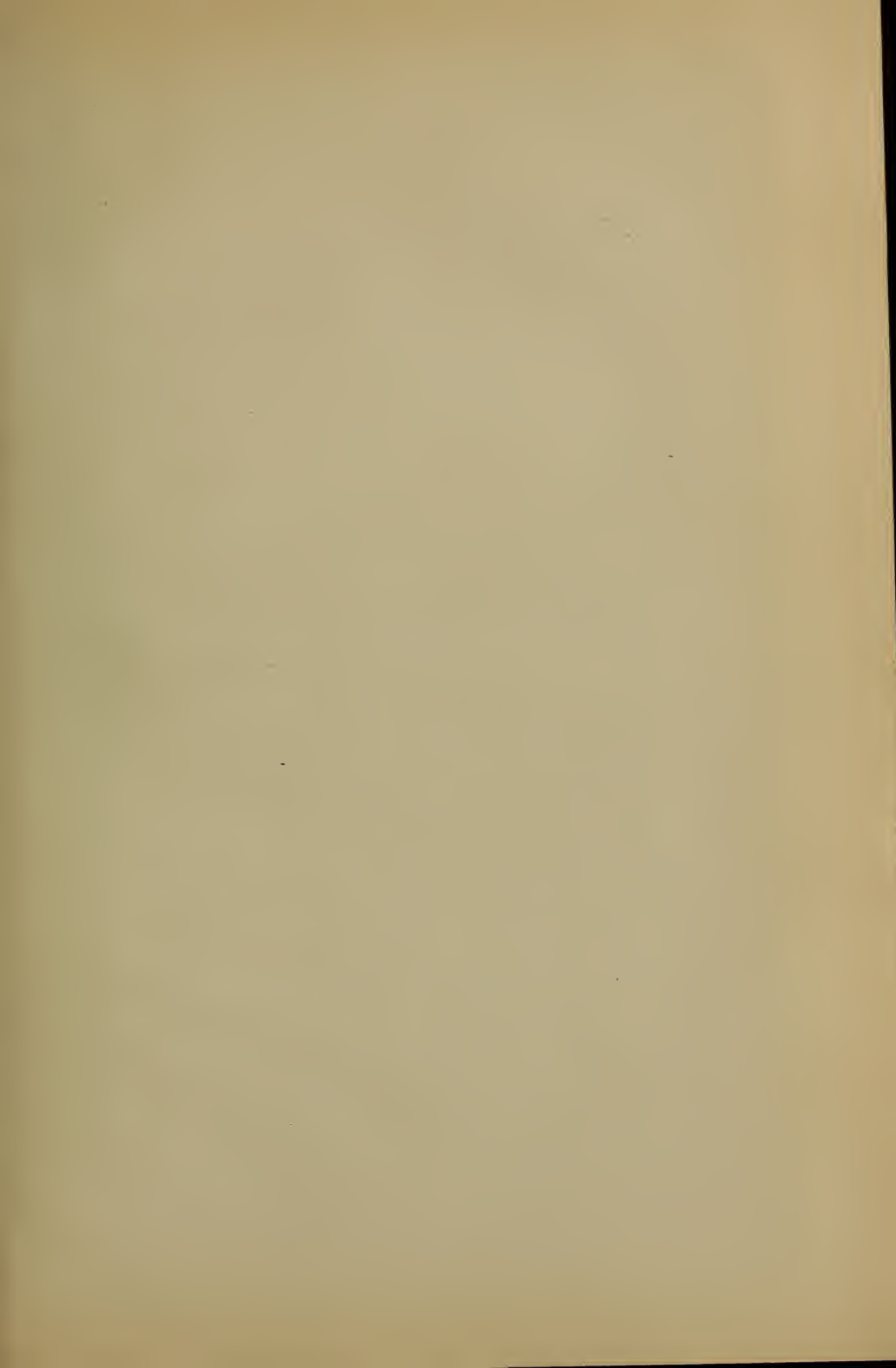
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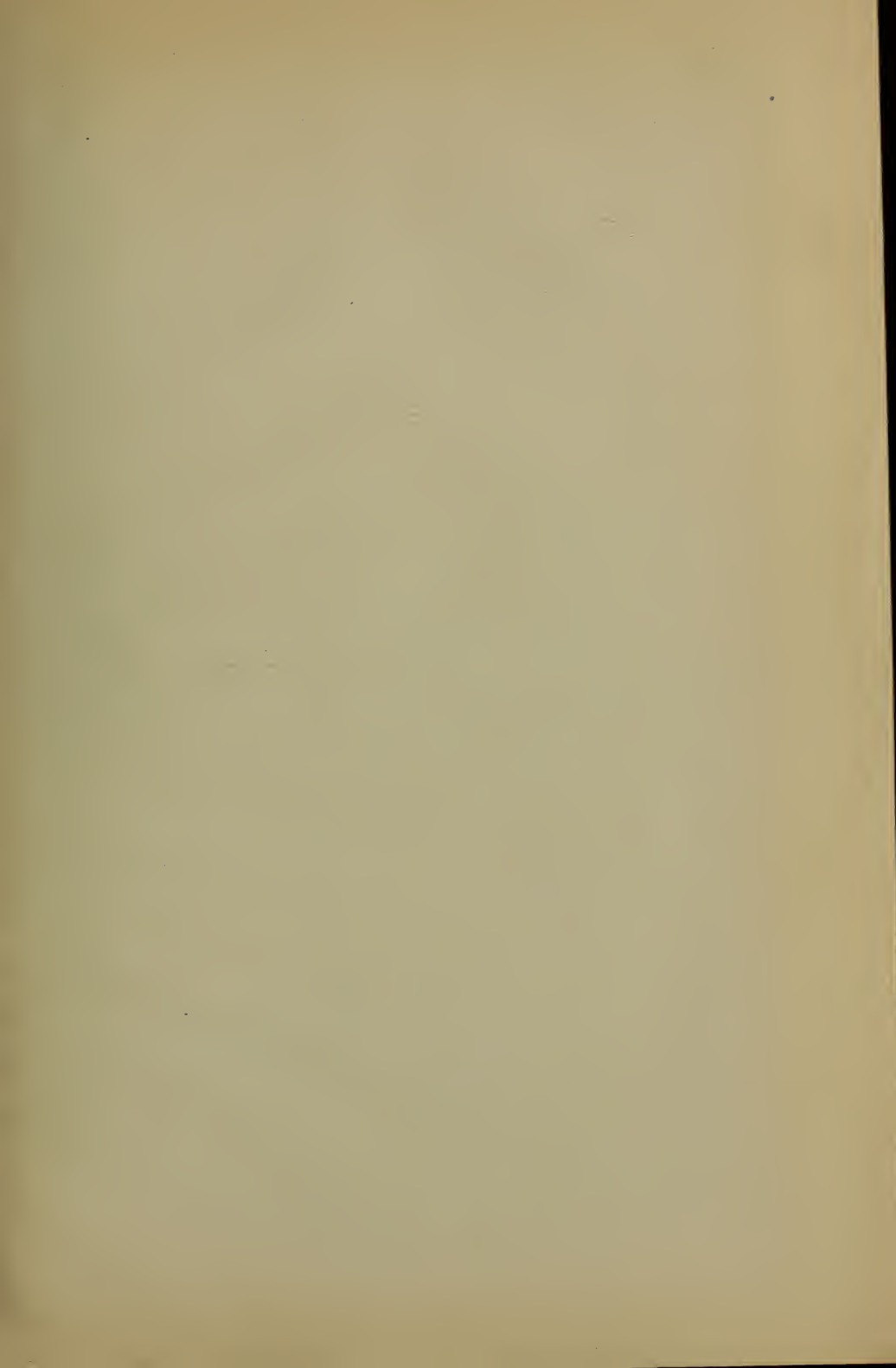
Secretary Morris Shows Number of Live Stock Inspected and Number Rejected.—Secretary Morris of the live stock sanitary board reports to Governor Ferguson that up to June 30, 1904, the end of the quarter, that statements or reports had been received from 83 inspectors which show a total number of cattle inspected, which were killed for beef, 7,837; last quarter it was 7,425. It shows the total number of hogs for killing, inspected during the quarter to be 9,173; and 7,652 last quarter. It shows 39 sheep and 21 goats inspected; and eight head of cattle and 12 hogs were rejected during the quarter as being unfit for food.











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